

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

JONATHAN MCCANN, on behalf of
himself and all others similarly situated,

Plaintiff,

v.

SHIRLEY S. HILL; VERNON W. HILL,
II; and INTERARCH, INC.;

Defendants,

and INTERARCH, INC. PROFIT
SHARING PLAN AND TRUST

Nominal Defendant.

Civil Action No.: 1:20-CV-06435-NLH-MJS

MARTIN J. WALSH, Secretary of Labor,
United States Department of Labor,

Plaintiff,

v.

INTERARCH, INC., SHIRLEY S. HILL,
VERNON W. HILL, II, and the
INTERARCH, INC. PROFIT SHARING
PLAN,

Defendants.

Civil Action No.: 1:22-CV-05289-NLH-MJS

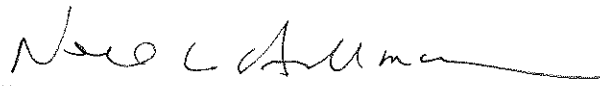
ORDER

COMES NOW, Defendants’ Unopposed Motion for Findings of Fact on Class Settlement, ECF No. 71. Based upon the Court’s review of the prior filings, arguments of counsel and supporting legal authorities, the Court will grant the Motion, and make findings of

fact relating to the Class Payments¹ by Defendants in the above-referenced actions and pursuant to Section 415 of the Internal Revenue Code as follows:

1. The Class Payments are made to resolve class claims involving a reasonable risk of liability for a breach of fiduciary duties.
2. The Class Payments are not excessive.
3. The Class Payments to the individual accounts are allocated among the participants/beneficiaries in a manner such that they do not treat similarly situated participants differently.
4. The Defendants have a good faith basis to characterize the Class Payments as “restorative payments” pursuant to Internal Service Revenue Ruling 2002-45 and Section 415 of the Internal Revenue Code

It is so ORDERED this 19th day of December, 2022.



Hon. Noel L. Hillman
United States District Judge

At Camden, New Jersey

¹ For purposes of this finding, the term “Class Payments” includes payments made by Defendants to the accounts of individual plan participants pursuant to the Class Settlement [Doc. 50], and Amendment to Class Action Settlement Agreement [Doc. 64-2] and Consent Order [Doc. 10-2] filed in the above-captioned matters (collectively “Class Payments”).