

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

R. ALEXANDER ACOSTA,
SECRETARY OF LABOR, AND THE
UNITED STATES DEPARTMENT OF
LABOR

Plaintiffs,

v.

JOHN J. KORESKO, V, JEANNE
BONNEY, PENN-MONT BENEFIT
SERVICES, INC., KORESKO &
ASSOCIATES, P.C., REGIONAL
EMPLOYERS ASSURANCE LEAGUES
VOLUNTARY EMPLOYEES'
BENEFICIARY ASSOCIATION TRUST,
AND SINGLE EMPLOYER WELFARE
BENEFIT PLAN TRUST

Defendants.

CIVIL ACTION

NO. 09-988

ORDER

AND NOW, this 9th day of August, 2019, upon consideration of the Motion for Approval filed by Certain Plan Sponsors (ECF No. 1848), the Response from Robb Cohen (ECF No. 1855), the Response from Marc Austin (ECF No. 1856), the Response from Wilmington Trust (ECF No. 1857), the Response from Energy Alternatives Studies, Inc. (ECF No. 1859), the Response from the Secretary of Labor (ECF No. 1860), the Reply from Certain Plan Sponsors (ECF No. 1863), and the Reply from Wilmington Trust (ECF No. 1864), **IT IS ORDERED** as follows:

1. All future distributions from the Trusts to plan sponsors, plans, plan participants, or plan beneficiaries shall be made without deducting or withholding any sums for possible tax obligations;

2. Wilmington Trust, the Court-appointed trustee of the Trusts, shall not set aside or withhold any of the Trusts' assets for possible employer tax obligations related to the distributions;
3. Wilmington Trust shall issue Forms 1099-MISC., Miscellaneous Income ("Forms 1099-MISC") with respect to all future distributions and shall reissue Forms 1099-MISC for all past distributions from the Trusts;
4. Wilmington Trust shall file the necessary documents with the Internal Revenue Service to reprocess all past distributions on Form 1099-MISC.
5. As such funds become available, Wilmington Trust shall distribute to plan sponsors, plans, or plan participants the funds previously used or set aside to satisfy tax obligations. These distributions shall be treated as future distributions as provided in paragraphs 1-3 above.
6. This order is without prejudice to:
 - a. Any party's position with respect to the proper tax treatment of the distributions; and
 - b. Disputes concerning prior tax-related withholdings and funds previously used or set aside to satisfy tax obligations.

BY THE COURT:

/s/Wendy Beetlestone, J.

WENDY BEETLESTONE, J.