

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

KAREN M. BECKER,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No.
	:	03-1668 (GK)
THE WEINBERG GROUP, INC.	:	
PENSION TRUST, <u>et al.</u> ,	:	
	:	
Defendants.	:	

O R D E R

Plaintiff is Karen M. Becker, a former employee of The Weinberg Group, Inc. Defendants are The Weinberg Group, Inc. Pension Trust (the "Plan"), Myron and Arlyne Weinberg, Matthew Weinberg, The Weinberg Group, Inc. (the "Company"), and The Pension Benefit Guaranty Corporation ("the PBGC"). Plaintiff brings this suit alleging, inter alia, breaches of fiduciary duty and a failure to pay pension benefits under the Employee Retirement Income Security Act of 1974 ("ERISA"), 29 U.S.C. §§ 1001 et seq.

Plaintiff seeks a judgment (1) declaring the Company and the individual Defendants jointly and severally liable (including in their capacities as co-fiduciaries) for all losses to the Plan resulting from the alleged fiduciary breaches; and (2) enjoining all Defendants from further violating any provision of ERISA or the Plan's governing instruments. Plaintiff also seeks the full amount of her benefits, together with the costs of this action, including

reasonable attorney's fees, and interest. She also seeks a declaration that the Court will order the Company to make Plaintiff or the Plan whole for the additional part of those benefits not paid pursuant to her termination, and that the Court will order PBGC to conduct an audit of the Plan to ensure that it makes Plaintiff and other participants whole.

This matter is now before the Court on the following motions: Plaintiff's Motion for Partial Summary Judgment [Dkt. No. 38], Plaintiff's Motion for Partial Summary Judgment on the Disputed Benefit Amount [Dkt. No. 58], Defendant's (Plan) Motion for Summary Judgment [Dkt. No. 59], Defendants' (Company and individual Defendants) Motion for Partial Summary Judgment [Dkt. No. 60], and Defendant's (PBGC) Motion to Dismiss [Dkt. No. 73]. Upon consideration of the Motions, Oppositions, Replies, and the entire record herein, and for the reasons set forth in the accompanying Memorandum Opinion, it is hereby

**ORDERED** that Plaintiff's Motion for Partial Summary Judgment [Dkt. No. 38] is **denied**, Plaintiff's Motion for Partial Summary Judgment on the Disputed Benefit Amount [Dkt. No. 58] is **denied**, Defendant's (Plan) Motion for Summary Judgment [Dkt. No. 59] is **granted**, Defendants' (Company and individual Defendants) Motion for Partial Summary Judgment [Dkt. No. 60] is **granted**, and Defendant's (PBGC) Motion to Dismiss [Dkt. No. 73] is **granted**; and it is further

**ORDERED**, that this case is **dismissed**.

The parties should note that no live claims remain in this case; therefore, this is a final appealable Order subject to Federal Rule of Appellate Procedure 4. See Fed. R. App. P. 4.

February 13, 2007

/s/  
Gladys Kessler  
U.S. District Judge

**Copies to: attorneys on record via ECF**