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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

SANTOS ARELLANO,

Plaintiff,

v.

AMERIPRISE FINANCIAL SERVICES,
INC., a Delaware corporation,
WACHOVIA FINANCIAL SERVICES,
INC., a North Carolina corporation, and,
S&A RESTAURANT CORP., a Delaware
corporation,

Defendants.

06CV5217
JUDGE KENDALL
MAG. JUDGE ASHMAN

FILED

SEP 26 2006

MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT / Q

COMPLAINT

NOW COMES the plaintiff, SANTOS ARELLANO GUTIERREZ, by and through his attorneys, Amatore & Associates, P.C., and complaining of the defendants, AMERIPRISE FINANCIAL SERVICES, INC., a Delaware corporation (hereinafter "AMERIPRISE"), WACHOVIA FINANCIAL SERVICES, INC., a North Carolina Corporation (hereinafter "WACHOVIA"), and, S&A RESTAURANT CORP., a Delaware Corporation, (hereinafter "S&A"), pursuant to Section 502(a)(1)(B) of the Employee Retirement Income and Security Act of 1974 (hereinafter "ERISA") (29 U.S.C. § 1001 *et seq.*), and hypothetically and alternatively pleading, alleges as follows:

JURISDICTION AND VENUE

1. Federal question jurisdiction is conferred on this the United States District Court by Section 502(a)(1)(B) of ERISA (29 U.S.C. § 502 (a) (1) (B)), and by 28 U.S.C. §§ 1331 and 1337.

2. Venue is proper pursuant to 29 U.S.C. §§ 1391 (b) and 1391 (c), as the defendant AMERIPRISE is subject to personal service on its registered agent at 208 South LaSalle Street, Suite 814, in the City of Chicago, County of Cook; and, as the defendant WACHOVIA is subject to personal service on its registered agent at 33 North LaSalle Street, in the City of Chicago, County of Cook; and, as the defendant S&A is subject to personal service on its registered agent at 33 North LaSalle Street, in the City of Chicago, County of Cook, all of which addresses are located within the jurisdiction of this Court.

3. A substantial part of the acts or omissions that gave rise to the claim alleged herein occurred within the geographic jurisdiction of this Court.

COUNT I

(Violation of ERISA)

4. At all times relevant, the defendant S&A, owned and operated a Bennigan's restaurant at 6401 95th Street, in the City of Chicago Ridge, County of Cook.

5. From on or about January 1, 1999 to on or about December 31, 2005, the defendant S&A employed the plaintiff as a laborer at the said restaurant, and may have employed him during other periods.

6. At all times relevant herein, the defendant, S&A, or one or several if its subsidiaries, provided a welfare benefit plan or plans for S&A's employees.

7. The said plan or plans were governed by ERISA.

8. The defendants and each of them administer the said plan or plans, subject to ERISA.

9. At various times during the relevant period, the plaintiff participated in and contributed to the said plan or plans.

10. As of June 30, 2006, the plaintiff had accumulated a balance of \$1,723.82 in the RVS Cash Management Fund; a statement of such account is incorporated herein by reference, and attached hereto as "Exhibit A".

11. The defendants and each of them administer the RVS Cash Management Fund as part of an employee benefit plan or plans subject to ERISA.

12. On or about May 1, 2006, the plaintiff contacted the defendants and demanded that they disburse or release to him certain funds to which he is entitled under said plan.

13. The defendants failed and refused to disburse or release said funds to the plaintiff, even after he demanded the same.

14. Subsequently, on or about July 10, 2006, the plaintiff made a demand to the defendant, AMERIPRISE, by and through his counsel, to disburse or release said funds to him.

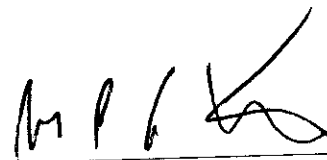
15. The defendants again failed and refused to disburse or release said funds to the plaintiff, even after he demanded the same by and through his counsel.

16. The plaintiff is entitled to said funds under the terms of said plan or plans.

17. The defendants and each of them breached the terms of the said plan or plans, in violation of ERISA.

18. As a direct and proximate result of the aforesaid acts and omissions of the defendants and each of them, the plaintiff has been damaged in that he has been and continues to be deprived of the use and enjoyment of said funds.

WHEREFORE, the plaintiff, SANTOS ARELLANO, prays for judgment in his favor and against the defendants, AMERIPRISE, WACHOVIA, and S&A, and each of them, and for the following relief: (a) compensatory damages; (b) an order commanding the defendants, and each of them, to immediately relinquish control of the funds to which the plaintiff is entitled, and to immediately release and disburse said funds to the plaintiff; (c) reasonable attorney's fees; and (e) for such further relief as may be fair and just in the premises, plus costs of suit.



Roy P. Amatore

Roy P. Amatore, Esq.
AMATORE & ASSOCIATES, P.C.
120 S. State Street · Suite 400
Chicago, IL 60603
312.236.9825 (tel.)
312.236.9826 (fax)

S&A RESTAURANT CORP.
S&A SAVINGS

For Period: April 01, 2006 through June 30, 2006
SANTOS ARELLANO

Activity Summary by Investment

This section identifies how each investment option of your account changed from April 01, 2006 to June 30, 2006.

| Asset Classification | Investment Option | Beginning Balance 04/01/2006 | Contributions and Other Additions (+) | Withdrawals and Other Reductions (-) | Dividends and Investment Earnings (+/-) | Change in Market Value (Gain/Loss) | Ending Balance 06/30/2006 |
|----------------------|------------------------------------|---------------------------------|---------------------------------------------|--------------------------------------------|-----------------------------------------------|------------------------------------------|---------------------------------|
| Cash | RVS CASH MANAGEMENT FUND (CLASS Y) | \$1,710.51 | \$0.00 | -\$5.50 | \$18.81 | \$0.00 | \$1,723.82 |
| Total | | \$1,710.51 | \$0.00 | -\$5.50 | \$18.81 | \$0.00 | \$1,723.82 |

Bulletin Board

This section contains key messages relative to your account.

Message from Your Plan Sponsor

Reminder About Quarterly Fees
Your 401(k) plan allocates a share of plan expenses to your account. While the Company continues to pay a major portion of the administrative expense involved in operating and maintaining the Plan, plan participants are charged a small quarterly fee. Plan participants who are active Company employees are charged a fee of \$2.00 per quarter; plan participants who have terminated employment with the Company are charged a fee of \$5.50 per quarter. This fee is reflected as a line item on the first page of this statement in the Account Balance Summary section. You are not charged a fee if your account balance is less than \$50.00.

For current account values, transfers, or investment election changes, call Ameriprise Financials Participant Services' toll-free number 1-800-521-SAVE (7283), or logon to www.ameriprise.com/retirement. Remember you will need your "Personal Identification Number" (PIN) to access this information.

Plan Information

Distributions & IRA
If you leave the company, and your account balance including prior rollover contributions, is \$1,000 or less at the time of distribution, you will receive a check for the value of your account, less applicable withholding, unless you elect another form of distribution (e.g., direct rollover to an institution of your choice). If you do not roll over your account balance and are under age 59 1/2 at the time of distribution, you may also be subject to a 10% early withdrawal penalty tax.

If your account balance exceeds \$1,000, but is less than or equal to \$5,000 at the time of distribution, your account balance will be automatically rolled to the Plan's designated IRA provider, unless you elect another form of distribution. See the enclosed Special Tax Notice Regarding Plan Payments and the Supplemental Tax Notice Regarding Plan Payments.

Plan's Designated IRA Provider: Ameriprise Trust Company

Call Ameriprise Retirement Services line at 1-800-521-7283 in the U.S. or 612-678-4546 internationally.

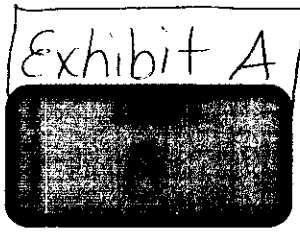
Corrections:
Please advise Ameriprise Retirement Services at 1-800-521-7283 of any corrections within 30 days from the day you receive this statement.

Redemption Fees and/or Transfer Restrictions
Effective May 2, 2006 or shortly thereafter, Ameriprise Retirement Services will

Key Contacts

Employee Benefits
1-800-446-4571

The log-in screen for the Workplace Retirement Account has been enhanced with access to relevant education and information. Ameriprise.com/retirement will provide you ready access to retirement articles, retirement modeling calculators and interactive tutorials. You can access your personal retirement account information as you do now, using your current username and password.



Participating in a 401(k) plan does not have to take a big bite out of your take-home pay - and it can cut down on your tax bill. Get more information by visiting ameriprise.com/retirement and clicking on "Retirement Planning" under the Retirement Library heading to find the 401(k) contribution calculator.

