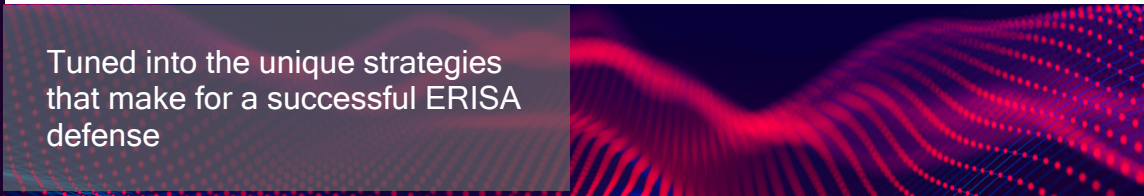


erisa litigation



Tuned into the unique strategies
that make for a successful ERISA
defense

Our attorneys represent employers, fiduciaries, and plan service providers of all sizes in ERISA benefits litigation nationwide. We defend claims involving all types of ERISA-qualified and non-qualified plans - from pension plans, health and welfare plans, and executive compensation plans to multiemployer pension plans and employee stock ownership plans (ESOPs). The claims typically involve breaches of fiduciary duties, prohibited transactions, valuation disputes, wrongful denials of benefits, benefit calculation rules and procedures, and withdrawal liability determinations.

We find innovative ways to resolve ERISA claims on the best terms for our clients both before litigation is filed and while cases are pending. Clients who don't work with ERISA-focused attorneys may miss out on key defenses, so our experience and focus in this area are valuable in developing a successful strategy to defend the case.

ERISA's unique structure allows us to efficiently and cost-effectively handle cases nationwide, with most matters resolved through motions to dismiss or for summary judgment. However, if cases go to trial, we have experienced litigators that will try the case to verdict and, if necessary, argue the case on appeal. Clients value our efficiency and see us as vital to their employee benefits teams. Our ERISA litigators pride themselves on identifying and mastering new ERISA litigation trends and decisions so that we can educate and advise our clients both before and during potential litigation.

We serve as national ERISA litigation counsel for several large corporations. We have recently represented several employers and fiduciaries in defending benefit calculation and fiduciary breach claims under ESOPs, defined contribution-401(k) plans and defined benefit pension plans. We have also defended employers and service providers in a variety of welfare plan challenges, including disability benefit challenges, life insurance disputes, retiree medical benefit matters and severance benefit programs.

Our attorneys provide strategic advice and counseling to clients on a wide variety of ERISA compliance and governance issues, and work with in-house counsel and human resources professionals in developing and implementing strategies to best situate our clients in their plan administration and fiduciary matters. Further, our ERISA litigators work closely with our Labor & Employment and Employee Benefits attorneys to provide clients with a broad spectrum of service across all employment disciplines.

experience

- Persuaded the Seventh Circuit to reverse a district court's judgment in *Cocker v. Terminal R.R. Ass'n of St. Louis Pension Plan For Nonschedule Employees*. The district court had held that the plan administrator's interpretation of an offset provision in a pension plan was arbitrary and capricious.
- Succeeding in Eighth Circuit reversal in *Kutten v. Sun Life Assurance Company of Canada (US)*, in which the district court held that the insurer had arbitrarily and capriciously interpreted a pre-existing medical condition exclusion.
- Defended former officers and directors of a large corporation against ERISA and state law fiduciary breach claims related to an ESOP that went bankrupt.

- Won summary judgment on an ERISA § 510 claim by a long-term employee who claimed his employer had terminated his employment to avoid the obligation to pay him severance and stock option benefits. The Eighth Circuit affirmed. *Pendleton v. QuikTrip Corporation*.
- Won judgment after a three-week trial, with the court entering judgment in favor of all defendants and against the plaintiff, who alleged that the defendants had breached various fiduciary duties as a part of the ESOP purchasing 100% of the company. The Seventh Circuit affirmed. *Keach v. U.S. Trust Co. N.A.*
- Obtained release of all liability sought by an agency for an employer in an ERISA litigation suit and agency dispute. Potential damages were valued at \$100 million.
- Obtained issuance of a no suit letter for an employer in a Department of Labor ESOP and ERISA investigation. Potential damages were valued at \$25 million.
- Successfully represented various plan administrators in multimillion-dollar ERISA litigation lawsuits involving fiduciary breach, estoppel and prohibited transactions in federal court and before five circuits of the US Court of Appeals.
- Challenged several high-stakes multiemployer pension plan withdrawal liability disputes seeking to lower clients' pension liabilities.
- Counseled clients in complex ERISA issues related to plan terminations and withdrawals from multiemployer plans and the termination of employer-sponsored plans

professionals

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