

OUR PRACTICE

Employee Benefits and ERISA Litigation

Employee benefits and executive compensation packages are as different as the companies that provide them. Plan administrators turn to Baker Donelson for our ability to understand every angle of the current laws governing employee benefits and executive compensation, and in turn, we seek to create plans that are best suited for their individual needs. Our labor and employment attorneys partner with our tax attorneys to provide comprehensive and up to date advice for employers, and create pension and benefit plans that best meet our clients' business objectives in compliance with tax regulations.

When litigation occurs, we defend clients against administrative claims and all related types of controversy. We routinely represent plan administrators and claim administrators in the defense of ERISA disability claims, and represent employers and insurers in claims for benefits and class actions premised on alleged breaches of fiduciary duties under ERISA. Our clients include manufacturing and distribution businesses, financial institutions, technology companies, health care companies, hospitals and medical service providers, educational institutions, and non-profit and government employers, as well as a number of public companies in various industries.



Representative Matters

- Won summary judgment in federal court in favor of a large food processor employer on claims for ERISA interference and wrongful denial of benefits brought by a former employee.
- Defended scores of benefit-denial claims across the Fifth, Sixth, Seventh and Eighth Circuits brought against insurers of ERISA-governed life, health and disability plans.
- Represented a publicly traded company and plan sponsor in developing a Department of Labor-compliant, two-tiered system for administering claims for pension and retirement benefits.
- Provided advice with respect to record keeping requirements and payments of health and welfare benefits on a federal communications contract.
- Successfully represented more than 30,000 former employees in an ERISA lawsuit to determine which of two groups of former employees of a health care company were entitled to more than \$250 million in disputed assets from an employee stock ownership plan.
- Obtained a favorable opinion from the 6th Circuit Court of Appeals on an ERISA/COBRA action, affirming the district court's grant of judgment on the record. The case involved a complex set of facts involving a national food distributor's plant employee who failed to pay any premiums for his health insurance benefits during a leave of absence, and who was ultimately terminated for failure to return after the leave. Plaintiff filed suit after nearly three years, alleging he'd not been issued a COBRA notice and seeking statutory penalties of up to \$110 per day for every day the company was not in compliance.
- Won an ERISA/breach of contract case in the Sixth Circuit Court of Appeals for a physicians group after three years of litigation.
- Represented a doctor against a medical practice corporation in successful arbitration of a \$500,000 claim under employment and golden parachute contracts after termination of employment.
- Advising a number of financial services clients with respect to employee contracts, including benefit plans, severance agreements, golden parachutes, and general employment situations.
- Obtained summary judgment victory in federal district court where the client, a stock ownership plan, sought restitution under the Employment Retirement Income Security Act.

- Defended retirement plan administrator from fiduciary duty claims brought by the plan participants' employer. The federal court granted the retirement plan administrator's motion and dismissed the case.