

ERISA AND EMPLOYEE BENEFITS LITIGATION

OVERVIEW

Bryan Cave Leighton Paisner's ERISA and Employee Benefits Litigation Team handles a broad spectrum of ERISA and employee benefit disputes – from individual benefit claims to the defense of class actions for cutting-edge theories of fiduciary breach. With the steady rise of ERISA litigation, Bryan Cave Leighton Paisner has developed a deep bench of specialists who are well-positioned to handle cases anywhere in the country, both at the district court and appellate levels. Our specialized ERISA litigation focus enables our team to successfully represent and counsel clients on the key ERISA issues and litigation trends confronting some of the largest multi-nationals and publicly traded companies, in industries such as manufacturing, transportation, insurance and financial services, food and beverage, and health care.

Our ERISA Litigation experience includes successful client representations in:

- Individual and class action lawsuits for alleged breaches of fiduciary duty and prohibited transactions;
- Challenges to plan denials of benefit claims;
- Actions challenging investment decisions and 401(k) plan fees;
- Challenges to an employer's termination of retiree health care benefits;
- ESOP stock valuation disputes;
- Executive compensation claims under non-qualified SEPs, SERPs and deferred compensation agreements;
- Delinquent employer contribution and collection claims;
- Withdrawal liability matters arising under multi-employer plans;
- Pension Benefit Guaranty Corporation proceedings;
- US Department of Justice and US Department of Labor investigations and lawsuits; and
- Tax Court inquiries.

Representative examples of our experience in this area include:

- Obtained a summary judgment in a class action by 7,000 retirees alleging that our client violated ERISA by ending company funding for retiree health care benefits.
- Successfully defended a claim for partial termination of a defined benefit plan and unlawful retaliation arising out of a client hospital's decision to terminate affiliate relationships with New York City's public hospitals.
- Successfully defended a claim for change of control benefits under a "top hat" plan arising out of a second transfer of ownership of the plan sponsor.
- Identified potential ESOP related liability in a stock acquisition and successfully represented the buyer in negotiating terms which allowed it to avoid liability with respect to the ensuing litigation and \$6 million settlement.
- Represented the fiduciary of a \$500 million common trust fund, primarily invested in real estate, when litigation arose over the liquidity of the funds.
- Successfully defended a NYSE company after it eliminated retiree medical benefits and the retirees filed claims.

We can provide a listing of important employee benefit cases at your request.

MEET THE TEAM



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