



ERISA - Employee Benefits Litigation Practice

SERVICE

The Williams Mullen Employee Benefits Litigation Team offers sophisticated and interdisciplinary solutions to clients faced with the complex challenges of employee benefits litigation. Williams Mullen's employee benefits litigators have many years of experience representing private employers in litigation arising under the Employee Retirement Income Security Act of 1974 ("ERISA") and other employee benefits legislation.

ERISA Attorneys with State and Federal Court Experience

Our Employee Benefits Litigation Team includes attorneys who are experienced defending benefit, breach of ERISA fiduciary duty and prohibited transactions claims in state and federal courts. In addition, we have represented parties in mediations and arbitrations involving employee benefits claims and helped employers establish sound administrative claims processes. In appropriate cases, we have also represented individuals and companies with employee benefits claims.

Our team includes [employee benefits](#), [tax](#) and [labor and employment](#) attorneys, all skilled [litigators](#). Depending on the particular issues involved, our team will assemble the most appropriate lawyers and support personnel to bring about the best result possible for your situation.

Representative Experience

- Enforced a multinational corporation's contractual rights against a former CEO who improperly sought pension benefits under an ERISA pension plan, a foreign pension plan and a U.S. nonqualified pension arrangement.
- Defended plan sponsor/plan administrator bank in arbitration on claim for severance plan benefits.
- Defended bank sued as plan trustee in a civil case arising from a dispute over termination of real estate fund and distribution of cash from that fund.
- Represented retirement plan participants in a civil case against plan fiduciaries for fiduciary breach and prohibited transactions.
- Defended Fortune 500 corporation in a civil case for garnishment of plan benefits.
- Defended plan trustees against claims in a civil case by a terminated employee for alleged breach of fiduciary duty.
- Defended a major media corporation against ERISA disability benefit claims.
- Represented recovery agent in a civil case for subrogation claim on behalf of health insurance benefit plan, to recover funds paid out to plan participant.
- Defended plan trustees in a civil case against a claim of stock price for sale of stock to an employee stock option plan (ESOP).
- Defended companies for claims for multi-employer plan withdrawal liability payments.
- Defended plan administrator against a claim of improper payment of medical benefits not subject to

“stop loss” reimbursement.

- Defended large national insurer in a civil case against a claim under an accidental death and dismemberment benefits plan.
- Regularly defending employers and third-party claims fiduciaries against claims under medical benefit and disability benefit plans.
- Extensive experience counseling and representing individual plan participants in civil cases for claims for medical benefits or disability benefits.

Experience

National Federation of Independent, Community-based and Locally Operated Companies that Collectively Provide Healthcare Coverage for Americans

- Defended insurance company in employee benefits dispute over coverage for a governmental employee benefits plan.

Individual

- Represented individual involved in a wrongful termination of employee benefits under ERISA case.

Benefits Plan Administrator

- Defended plan administrator in ERISA action.

Docking Pilots

- Represented two docking pilots, who were participants in a union pension plan, in a suit against the union, its plan and plan fiduciaries.

Local Physician Practice

- Defended a physician practice sued by a former non-doctor employee. Plaintiff brought claims against the employer, Plan Administrator and two retirement plans alleging the Plaintiff was entitled to several hundred thousand dollars more in contributions, and was entitled to recover \$3M in civil penalties against the Plan Administrator for failure to provide copies of requested plan documents.

National Maker and Vendor of Specialty Products for Industry

- Defended our client company's benefits plan and plan administrator when the mother of a deceased employee of our client company sued for death benefits, disputing the son's final designation of his estranged wife as his beneficiary.

National Federation of Independent, Community-based and Locally Operated Companies that Collectively Provide Healthcare Coverage for Americans

- Defended health care insurer for coverage of autologous bone marrow transplant under a plan sponsored through the Federal Employee Health Benefits Act (FEHBA).

International Manufacturer and Distributor of Tires and Rubber Products

- Defended a client against claims brought by a hospital that sued following the Plaintiff's treatment of client's employee when benefits under client's medical plan were refused on the grounds of an exclusion for unlawful activity.

International Paper Products Manufacturer

- Defended a paper products manufacturer that was sued for severance benefits by four of its former management-level employees.

Related News

- Seventh Circuit Allows Retaliation Claim By Complaining Plan Participant
- Sixth Circuit Case Highlights Potential Traps for Employee Health Care Benefits: Clarcor, Inc. v. Madison National Life Insurance Co., Inc.
- McCravy v. Metropolitan Life Insurance Co.: Recognizing A Broader Scope for ERISA's Equitable Remedies
- Exhaustion of Plan Remedies Required For Benefits Claim: Woodard v. Fredericksburg Hospitalist Group, P.C.
- Eleventh Circuit Rules That Home Depot Plan Fiduciaries Did Not Breach Their Duties Related to the Plan's Company Stock Fund: Lanfear v. Home Depot, Inc.
- Retirement Plans? Fiduciaries Are Found Liable to Plans for \$36.9 Million: Tussey v. ABB, Inc.
- Fiduciary Not Liable For Money Damages in Action to Recover Death Benefits: Stocks v. Life Insurance Company of North America
- Corporate Spin-Off and a New Retirement Plan Did Not Violate Employees' Rights Under ERISA: Nauman v. Abbott Laboratories
- Fourth Circuit Upholds Plan Administrator's Interpretation to Deny Disabled Doctor's Benefits Claim
- Fourth Circuit Rules That Retirement Plan Trustees' Failures Must Have Causal Link to Plan Losses In Order to Hold Trustees Liable: Plasterers' Local Union No 96 Pension Plan v. Pepper, No. 10-1364 (4th Cir., December 1, 2011)
- New case illuminates boundary between severance pay and a severance plan to which ERISA would apply
- McCravy v. Metropolitan Life Insurance Co.: Recognizing A Broader Scope for ERISA's Equitable Remedies
- Exhaustion of Plan Remedies Required For Benefits Claim: Woodard v. Fredericksburg Hospitalist Group, P.C.
- Retirement Plans? Fiduciaries Are Found Liable to Plans for \$36.9 Million: Tussey v. ABB, Inc.
- Fiduciary Not Liable For Money Damages in Action to Recover Death Benefits: Stocks v. Life Insurance Company of North America
- Corporate Spin-Off and a New Retirement Plan Did Not Violate Employees' Rights Under ERISA: Nauman v. Abbott Laboratories
- Fourth Circuit Upholds Plan Administrator's Interpretation to Deny Disabled Doctor's Benefits Claim
- Fourth Circuit Rules That Retirement Plan Trustees' Failures Must Have Causal Link to Plan Losses In Order to Hold Trustees Liable: Plasterers' Local Union No 96 Pension Plan v. Pepper, No. 10-1364 (4th Cir., December 1, 2011)
- Second Circuit Rules in Favor of Retirement Plan Administrators Where Plan Requires Investments

in Company Stock

- Case Holds That ERISA Claims Based On Initial Investment Decisions Are Time-Barred
- Plan Investment Decisions Are Protected in Loomis v. Exelon Corporation
- Second Circuit Holds that Retained Asset Accounts Are Not Plan Assets
- Court Requires Strict Adherence To Plan Amendment Provisions: Tatum v. R.J. Reynolds Tobacco Co., No. 1:02-CV-373 (M.D.N.C. June 1, 2011)
- Supreme Court Expands the Scope of Equitable Relief for Retirement Plan Plaintiffs
- ERISA Case Alert - May 2011: George v. Kraft Foods Global, Inc.
- Court's Remedial Power Under ERISA Includes Grant to the Substitute Fiduciary to Terminate Pension Plan Solis v. Clark Consulting v. Malkani, et al., No. 09-1383(L) (4th Cir. Mar. 16, 2011)
- Several Mistakes by the Claim Administrator Lead to an Award of Disability Benefits
- The Seventh Circuit clarifies the standards for class certification in ERISA cases
- Veera v. Ambac Plan Administrative Committee, et al. "Stock Drop" Case Proceeds in Federal Court
- Absence of Non-Forfeiture Provisions in "Top Hat" Plans Permitted Employer to Withhold Benefits Accrued During Participant's Wrongdoing
- Spouse's Decision to Retire Does Not Support Participant's Fiduciary Breach Claim Against His Own Retirement Plan
- ERISA Fiduciary Duties Do Not Apply to Employer Under a Non-ERISA Stock and Incentive Plan
- Recent Case Holds That ERISA Plan Fiduciaries Cannot Seek Reimbursement from the Contingency Fee Award to the Participant's Attorney
- The New Battleground of Plan Fiduciary Liability for 401(k) Plan "Excessive Fees"
- New Battleground for ERISA Fiduciaries: Liability for 401(k) Plan "Excessive Fees"
- The strategic importance of ERISA preemption in wrongful termination cases: Swindler v. Ben Lippen School and Columbia International University
- Williams Mullen Adds Labor and Employment Attorney Michael Steele in Hampton Roads
- The Emerging Frontiers for Equitable Remedies under ERISA in the Fourth Circuit: Moon v. BWX Technologies
- Fourth Circuit Holds That Plan Administrators' Alleged Fiduciary Breach Based on 401(k) Plans' Fund Selection Is Time-Barred
- Retirement Plan Plaintiffs Were Not Required To Exhaust Administrative Remedies Before Filing Their Class Action
- The Second Circuit Finds a Crucial Limitation in the Moensch Presumption For Retirement Plan Fiduciaries
- Court Dismisses ERISA Case Concerning Investments in Mortgage-Backed Securities
- Supreme Court Holds That Clear Plan Terms Control Equitable Remedies: U.S. Airways, Inc. v. McCutchen
- Court Holds that Erroneous Advice about Medical Benefits Coverage Can Expose Plans to Liability
- Sixth Circuit Refuses to Allow Eight-Year-Old ERISA Claim to Proceed
- Post-Windsor Federal District Court Decision Rules that ERISA Plan Must Recognize Same-Sex Spouse as Beneficiary of Participant's Death Benefits
- Court Holds That Severance Policy is Not an ERISA Plan: Okun v. Montefiore Medical Center
- 3 Health Care Questions For Construction Employers
- Court Holds That Plan Sponsor's SEC Filings Were Incorporated By Reference Into Retirement Plan's Summary Plan Description and Constituted Part of the Plan Fiduciary's Communications to Plan Participants

- Williams Mullen Receives Top Rankings in U.S. News Best Lawyers "Best Law Firms"
- Court's Award of \$3.8 Million Raises Questions About the Scope of ERISA Remedies
- The Devil Is In Those Details: Supreme Court Holds That the Clock for the Appeal of an ERISA Decision Began Running Sooner Than the Plaintiff Expected
- Court Holds That ERISA Plaintiff Cannot Claim Equitable Remedies When the Plaintiff Has Adequate Remedies to Recover Plan Benefits, Notwithstanding the Expansion of the Kinds of Equitable Relief in CIGNA Corp. v. Amara
- "You Can't Bend It That Way, Beckham": Federal Court Dismisses Plaintiff's Attempted Claims for Equitable Relief
- Seventh Circuit Interprets ERISA's Statute of Limitations for Fiduciary Breach: Fish v. GreatBanc Trust Company
- D.C. Circuit Rules That "Exhaustion of Administrative Remedies" Is Not Required For Violations of ERISA'S Statutory Guarantees: Stephens v. Pension Benefit Guaranty Corporation
- Fourth Circuit Adopts More Demanding Test for Exercise of Objective Prudence by Retirement Plan Fiduciaries -Tatum v. RJR Pension Investment Committee
- Eight Williams Mullen Attorneys Named 2015 "Lawyers of the Year" by The Best Lawyers in America
- 100 Williams Mullen Attorneys Named 2015 Best Lawyers in America
- Misclassified Employees Are Not Barred From Recovering Damages Based on Value of ERISA Plan Benefits They Should Have Been Provided: Gray v. FedEx Ground Package System, Inc.
- Retirement Plan's Venue Selection Clause Held Enforceable and Applied to Dismiss Participant's Benefit Claims: Smith v. AEGON Companies Pension Plan
- In Post-Dudenhoeffer Decision, Class Action Plaintiffs Are Allowed to Pursue Their Claims For Fiduciary Breach Against Eastman Kodak Plans
- Ex-Husband Fails in Attempt to Use Texas Law to Impose Constructive Trust on Former Spouse's Survivor Annuity
- Court Permits Beneficiary Designations By Telephone
- Court Holds That Physician's State Law Claim For Disability Benefits Is Preempted by ERISA: Hershman v. Unum Group Corporation
- Sixth Circuit Overturns the Lower Court's Award of \$3.8 Million in Alleged Profits Arising From a Denial of Benefits
- EEOC Issues Important Proposed Rule Governing Employer Wellness Programs
- Participant's Estate Fails to Show a Claim For Failure to Give Notice of Right to Continue Life Insurance Coverage: Estate of Mocerri v. Ratner Companies, LC
- ERISA Case Highlights Importance of Written Releases at Termination of Employment: Sullivan v. Stanadyne Corporation
- Health Care Providers Lacked Standing to Sue as ERISA Beneficiaries: Rojas v. Cigna Health and Life Insurance Company
- 106 Williams Mullen Attorneys named 2016 Best Lawyers in America
- State Law Claim for Invasion of Privacy Escapes ERISA Preemption: Rose v. HealthComp, Inc.
- Plaintiffs' Misdirected Demand for Documents Fails, and Their Claim for ERISA Civil Penalties Is Dismissed: Boyd v. Sysco Corporation
- Williams Mullen Ranked Nationally in 16 Legal Practices by U.S. News "Best Lawyers" Best Law Firms? 2016
- Group Life Insurance Claims by a Teacher's Beneficiary Are Subject to ERISA Preemption: Woods v. American United Life Insurance Company
- Federal Court Dismisses "Excessive Fee" Claims Against Plan's Service Provider: McCaffree

Financial Corporation v. Principal Life Insurance Company

- Mark Thomas' Recent Alert Published in National Benefits Newsletter
- 12 Williams Mullen Attorneys Named 2016 North Carolina Super Lawyers
- 56 Williams Mullen Attorneys Named 2016 Virginia Super Lawyers; 22 Named 2016 Rising Stars
- Mark Thomas Pens Article for Bloomberg BNA Tax Management Compensation Planning Journal
- 100 Williams Mullen Attorneys Named 2017 Best Lawyers in America
- Nine Williams Mullen Attorneys Named 2017 ?Lawyers of the Year? by Best Lawyers®
- 54 Williams Mullen Attorneys Named to 2017 Virginia Super Lawyers List; 21 Named 2017 Rising Stars
- 114 Williams Mullen Attorneys Listed in The Best Lawyers in America 2018
- 53 Williams Mullen Attorneys Named to 2018 Virginia Super Lawyers List; 20 Named 2018 Rising Stars
- 110 Williams Mullen Attorneys Listed in Latest Edition of The Best Lawyers in America©
- 14 Williams Mullen Attorneys Named ?Lawyers of the Year? by The Best Lawyers in America©
- 6 Williams Mullen Attorneys Ranked on 2019 Top Lists by Virginia Super Lawyers
- 30 Williams Mullen Attorneys, 12 Practice Areas Recognized in Chambers USA 2019
- Federal Judge Dismisses ERISA Fiduciary Breach Claim against University for Lack of Standing
- 119 Williams Mullen Attorneys Listed in 2020 Edition of The Best Lawyers in America©

Related Events

- Successfully Navigating a Year of Changes in Employee Benefits
- Employment Law Update: Recent Cases and Compliance Rules to Know About
- ERISA Case Law Updates - Triangle Benefits Forum
- ERISA Litigation ? Case Studies and Lessons Learned
- Significant ERISA Cases
- Fraud Claims in ERISA Plans ? Recent Lessons From the Cases
- Human Resource 2.0: Professionals Forum
- Greater Richmond SHRM 2015 Annual Legal Update
- Compliance Best Practices for Employee Benefits
- Emerging Issues in 401(k) Risk Management Seminar
- BB&T Wealth and Williams Mullen Webinar
- DOMA Webinar ? What?s Your Action Plan?
- Affordable Care Act Implications for Employers
- New Realities of the Affordable Care Act and the Retirement Plan Participant Fee Disclosures

Related Attorneys

- Brydon M. DeWitt – 804.420.6917 – bdewitt@williamsmullen.com
- Lynn F. Jacob – 804.420.6427 – ljacob@williamsmullen.com
- Laura D. Windsor – 804.420.6466 – lwindsor@williamsmullen.com