

## ERISA & BENEFITS

Moore & Van Allen's litigation and employee benefits attorneys use a multi-disciplinary team approach to overcome the complexities of ERISA disputes, including individual and class action litigation. Over the years we've helped clients resolve disputes before or by litigation over:

- Denial of ERISA benefits claims
- Class-wide modification of plans
- Fiduciary issues including proper standards, potential pitfalls, and liabilities
- Disclosure issues
- ERISA's procedural issues, including statute of limitations, jurisdiction, and standing
- Valuation of assets in an ERISA plan
- Severance issues under ERISA
- ERISA preemption

Our attorneys regularly assist clients in preventive measures in an effort to avoid situations that might result in litigation.

Moore & Van Allen's extensive employee benefits know-how enables its lawyers to work effectively to accomplish its clients' objectives in litigation, whether in defense or prosecution of cases. Our goal in ERISA litigation, as in all areas of our work, is to provide innovative strategies to our clients and aggressive, effective implementation of those strategies while never losing focus of the client's objectives – including the need to be cost-effective.

### **Representative ERISA matters include:**

- The firm successfully represented an ERISA trustee and plan sponsor in a defendants' class action in order to confirm the client's right to modify retirement plan benefits and successfully resolved a parallel plaintiffs' class action brought by the retirees and their unions against the plan fiduciary and sponsor.

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- Counsel to a successor trustee to an ESOP and representative of the ESOP Plan in multi-million dollar breach of fiduciary duty class action litigation against former trustee.
- Counsel to 401(k) plan fiduciaries over claims of excessive and undisclosed fees.
- Counsel for an executive in a dispute with an insurer for several million dollars in benefits dependent upon the proper plan construction.
- Counsel for a group of financial executives challenging the formula for crediting service to their retirement plan.
- Counsel to an ERISA trustee defending a multi-million dollar breach of fiduciary duty case.
- Counsel for a large insurer on benefits claims.
- Counsel for a large corporation in connection with a breach of fiduciary duty by a third party plan administrator.
- Counsel on behalf of retirees seeking recovery of benefits under an amendment to the retirement plan. This matter also dealt with disclosure and breach of fiduciary duty issues.
- Counsel to multiple plans against claims for denial of benefits.
- Counsel for a publishing company defending an executive's challenge of denial of benefits under a plant closing severance plan.