

## ERISA, Life, Health & Disability Litigation

Lathrop GPM attorneys have decades of experience defending employers, plan administrators, fiduciaries, insurers, and third-party administrators in ERISA class actions and individual claim disputes. We have leveraged our experience in pioneering preemption defenses to develop creative litigation solutions, trial and appellate victories, and defeated and limited class certification. We defended *Fidelity* in one of the first 401(k) fee and expense cases. After a four-week bench trial, we prevailed on all but one claim which was subsequently reversed by the 8<sup>th</sup> Circuit. We also defeated class certification in an ERISA-based group insurance carve-out class targeting *New England Life*, prevailing before an MDL panel in the District of Massachusetts and later affirmed by the 1<sup>st</sup> Circuit.

We routinely defend claims and coverage decisions involving health, disability, life, retirement, and accidental death and dismemberment benefits. We represent life, health and disability insurance carriers in provider disputes, network structure and other business-to-business disputes. We represent ESOP trustees, committees and employers in litigation and administrative proceedings before the U.S. Department of Labor, the Internal Revenue Service, and the Pension Benefit Guaranty Corporation. Our litigation experience is complemented by a full team of compliance and plan design attorneys.

Working at the forefront of ERISA and employee benefits litigation, our attorneys are frequent speakers and authors on matters involving ERISA and employee benefits. We have litigated hundreds of ERISA benefit cases across the nation, working diligently to obtain efficient and favorable results for our clients.

### Representative Experience

- *Dansko Holdings, Inc v. Benefit Trust Company*, Civil Action No. 16-324 (E.D. Pa. Nov. 8, 2019) (summary judgment for defendant serving as successor trustee to plaintiff's Employee Stock Ownership Program (ESOP))

- *Dickinson v. Union Security Insurance Company*, --- Supp. ---, 2016 WL7468027 (S.D. Iowa 2016) (summary judgment for defendant affirming denial of LTD benefits)
- *Richardson-Roy v. Johnson*, 657 Fed. Appx. 113 (3rd Cir. 2016) (affirming district court summary judgment against plaintiff because Delaware's one-year limitations period for employment disputes time-barred plaintiff's ERISA claim against pension plan)
- *Carter v. General Motors Hourly Rate Pension Plan*, 2015 WL 3867661 (S.D. Ind. June 23, 2015) (summary judgment in favor of plan on plaintiffs' benefit claims and companion claims for equitable relief)
- *Hamilton v. General Motors Hourly Rate Pension Plan*, --- F. Supp. 3d ---, 2015 WL 1820686 (N.D. N.Y. Apr. 22, 2015) (summary judgment in favor of plan on participant's claims for benefits, breach of fiduciary duty and promissory estoppel)
- *Holmes v. Colorado Coalition for Homeless Long Term Disability Plan*, 762 F.3d 1195 (10th Cir. 2014) (summary judgment in favor of plan where participant failed to timely exhaust administrative remedies and was time-barred from exhausting), cert denied at 135 S.Ct. 1402 (2015)
- *Shumpert v. General Motors Life and Disability Benefits Program for Hourly Employees*, 2014 WL 5817009 (E.D. Mich. Nov. 10, 2014) (summary judgment to plan on plaintiff's claim for disability benefits and plan's counterclaim for recoupment for prior overpayment)