

Employee Benefits and ERISA

Experienced ERISA Counsel for Employee Benefit Plans

Miller Canfield's ERISA lawyers and employee benefits counseling team offers sound, pragmatic advice about issues involving virtually all types of employee benefit plans governed by the Employee Retirement Income Security Act (ERISA).

Our experience includes counseling on:

- Employee welfare plans, including health care, disability and death benefits, FSAs, HSAs, dependent care reimbursements, and other benefits
- Pension plans and profit-sharing plans
- Cafeteria plans
- Cash bonus plans
- 401(k) plans and IRAs
- 403(b) plans and 457 plans
- Multi-employer plans
- 501(c)(9) trusts (VEBAs)
- Nonqualified deferred compensation arrangements
- Split-dollar life insurance
- Equity and synthetic equity arrangements
- Governmental retirement and deferred compensation plans
- Employee benefits aspects of mergers and acquisitions

ERISA Compliance, Regulatory Guidance & Plan Design

Our ERISA attorneys design benefit plans specific to each client's needs. We closely monitor legislation and regulatory changes to keep clients well advised of changes in ERISA law that may affect these plans so clients can remain in compliance.

We often work with other Miller Canfield practices to resolve ERISA issues involved in mergers and acquisitions, including:

- Reporting, disclosure and funding requirements
- Unrelated business income
- Spousal benefits
- Qualified domestic relations orders (QDROs)
- Continuation of retirees' medical coverage

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- Strategies to limit fiduciary liability

ERISA Litigation

Miller Canfield's employee benefits attorneys regularly handle ERISA litigation involving employee benefit plans. We have extensive experience defending denial of benefits claims where the benefits are covered by an ERISA plan, as well as defending major corporations against class action lawsuits involving retiree health care benefits.

Representative Matters

- Negotiated, implemented, and obtained IRS approval of a settlement agreement on behalf of a municipality requiring the municipality to terminate its overfunded defined benefit plan with assets valued around \$550 million, reestablish a new defined benefit plan (assuming all of the pension liabilities of the terminated defined benefit plan plus a substantial cushion of assets), and establish a VEBA (which received the remaining excess assets to fund certain retiree health benefits).
- Represented publicly traded Fortune 500 company in benefit plan aspects of corporate spinoff.
- Defended Fortune 500 companies in lawsuits arising out of denials of claims for ERISA-covered disability, severance and pension benefits.
- Represented participating employer in the correction of underreported earnings associated with over 500 participants to a multiple employer defined benefit plan.
- Successfully defended multiple retiree health benefit class actions brought by former union employees alleging that modifications to their health benefits violated the terms of collective bargaining agreements.
- Successfully represented a prominent aerospace manufacturer after a union and retired workers claiming to represent hundreds of class members sued the company alleging entitlement to lifetime health benefits. After prevailing in efforts to transfer venue to a more appropriate court, we filed and prevailed on a motion for summary judgment.
- Succeeded in vacating an injunction that prohibited a municipality from implementing changes to retiree health benefits that resulted in cost savings of \$5 million.
- Successfully defended an insurance company against a lawsuit by a beneficiary seeking \$1.6 million in accidental death benefits under an ERISA-covered plan. At issue was whether a policy exclusion, which stated that benefits were not payable for losses caused as a result of a private plane crash, applied. Plaintiff argued that it did not apply because the exclusion was never disclosed. The court rejected these arguments, initially dismissed plaintiff's breach of fiduciary duty claim and later granted judgment on the administrative record in defendants' favor.
- Defended employer sued by an employee who had been denied benefits by the company's benefit plan administrator. The action asserting ERISA claims under §§102(a), 502(a)(1)(B), and 502(a)(3). We drafted a motion to dismiss claims based on substantive ERISA arguments and standing. Upon receipt of our draft motion, plaintiff voluntarily dismissed the case.
- Obtained dismissal of action brought by attorney against his former law firm alleging that the law firm had miscalculated deferred retirement benefits, significantly underpaying him and other former attorneys, and that the

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retirement plan was underfunded.