



Pension, Benefits & ERISA
Litigation Practice



WHO WE ARE

Our Pension, Benefits and ERISA Litigation group pairs the firm's in-depth understanding of employee benefits and executive compensation matters with its seasoned trial lawyers.

We have broad experience in litigation of complex employee benefits matters involving both ERISA and non-ERISA plans, including government-sponsored plans and foreign law governed plans of employers with multi-national workforces, and disputes arising out of executive employment, change in control and severance arrangements. Recently, we have also represented employers before the Centers for Medicare & Medicaid Services (CMS) related to healthcare plan issues. We focus on representation of employers, executives and plan fiduciaries of both funded and unfunded plans, including members of boards of directors, employees serving or acting at the direction of employers, administrative committees, investment committees, trustees and third-party administrators in the full range of complex benefits related litigation.

The firm's lawyers have represented clients in single-plaintiff, multi-plaintiff and class action matters in a wide range of claim categories, including:

- Claims of improper plan termination
- Claims of diversion of plan assets
- Claims of ultra vires activity by government pension trustees
- Stock drop claims
- Excessive fee and other plan administration expense claims
- Benefit entitlement claims
- Breach of fiduciary duty claims
- Prohibited transactions claims
- Cash balance conversion claims
- Reimbursement and subrogation claims
- Retiree medical benefits claims
- Executive compensation claims
- Whistleblower retaliation (ERISA Section 510) claims
- Merger and acquisition related claims
- Medical provider claims against employer plans
- Internal investigations related to alleged fiduciary breaches and plan asset management issues
- Administrative and other actions brought by the Department of Labor and Internal Revenue Service and issues arising before CMS
- Statutory and constitutional challenges to government pension plans and systems





CASE STUDY

Major Oil Company's Pension Plan and Retirement Fund - Interpleader Action Involving Competing Claims for Retirement Benefits

Practices: Pension, Benefits & ERISA Litigation

Locations: North America

Industries: Energy and Natural Resources

Represented a major oil company's retirement fund and pension plan in an interpleader action involving competing claims for retirement benefits of a former employee by her Estate and her surviving spouse. The case involved the applicability of the common law "slayer rule" and the unresolved question of a plan administrator's duty to apply this rule to deny benefits to a surviving spouse accused of slaying the plan participant in the wake of the U.S. Supreme Court's ruling in *Kennedy v. DuPont*. This case is ongoing.



OUR ACCOLADES

"Sources say: 'The litigation group at Baker Botts is among the best I have ever worked with; they are consummate professionals.'"

—*U.S. News & World Report's Best Law Firms 2014*



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