

ERISA and Employee Benefits Litigation

Fowler White Boggs ERISA litigators draw upon varied and extensive insurance coverage and employee benefits experience to specialize in this growing practice area. The group has experience in representing employer/sponsors, life, health and disability insurance carriers, plan fiduciaries, and participants in ERISA plans. The Fowler White Boggs attorneys who practice in this area have extensive federal court experience in handling litigation matters that involve benefit claims, discrimination, breach of fiduciary duty, and subrogation. The team also has class action experience in this area of the law. The Firm has also represented employer/sponsors in regulatory and compliance matters, as well as extensive experience in drafting and amending employee benefit plans. Members of this group have also been active in ABA leadership pertaining to this practice and have published numerous books and articles regarding this subject.

Key litigation that this group has handled includes the following:

- Bensabat v. Red Roof Inns, Inc., No. 01-14526 (11th Cir. 2002) (*per curiam*). Affirmed that ERISA administrator properly rejected claims due to alleged change in control.
- Brownstein v. Tenet Employee Benefit Plan, 214 F. 3d 1356 (11th Cir. 2000) (*per curiam*). Affirmed dismissal of employee benefits claim for medical surgery appeal for failure to exhaust administrative relief.
- Lees, et al v. Jim Walter Corporation Plan, et al., 11 Employee Benefits Cases 1148 (Middle District of Florida, 1994). Successfully defended employer and pension plan in a multi-million dollar claim for employee benefits.
- Seaman, et al. v. Arvida Realty Sales, 985 F. 2d 543 (11th Cir.), *cert. denied*, 510 U.S. 916 (1993). Interference with employee benefits.
- Deak v. Masters, Mates & Pilots Pension Plan, 821 F. 2d 572 (11th Cir. 1987), *cert. denied*, 484 U.S. 1008 (1988). Successfully handled class action claim of discrimination and breach of fiduciary duty.
- Barton v. Beverly Enterprises Health and Welfare Plan, Florida Circuit Court, Sarasota. Won employee benefits claim under ERISA.
- Weiss v. Western-Southern Life, No. 8:01CV1048-T-27 EAJ (M.D. Fla. 2002). Granted summary judgment for defendants in ERISA disability claim.
- Rosser v. Avon Products Plan, Federal Court M.D., ERISA health insurance claim defense, summary judgment granted for the defense.



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