

ERISA and Employee Benefits

Our ERISA and Employee Benefits Group's clientele ranges from small and medium-sized companies' plans to plans of publicly held companies. Several clients also maintain collectively-bargained plans. The ERISA and Employee Benefits attorneys also assist our Firm's litigators, primarily those in the Employment Practice Group, who have successfully litigated numerous ERISA cases.

The ERISA and Employee Benefits Group represents clients regarding all matters that relate to qualified and non-qualified deferred compensation plans, including executive compensation programs, as well as employee welfare benefit plans, such as cafeteria plans. Attorneys in this group provide a wide variety of services including plan design and drafting, plan administration and legal compliance advice, and representation before the Internal Revenue Service, the Department of Labor and/or the Pension Benefit Guaranty Corporation as well as in the courtroom. In addition, their services have for the past several years, expanded to include substantial COBRA group health plan continuation coverage issues and benefit issues such as Cafeteria Plans and VEBAs. This Group also has substantial experience advising clients with employee benefits aspects of acquisitions and mergers.

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:

- Barton v. Beverly Enterprises Health and Welfare Plan, Florida Circuit Court, Sarasota. Won employee benefits claim under ERISA.
- 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.
- 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.
- 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.
- Rosser v. Avon Products Plan, Federal Court M.D., ERISA health insurance claim defense, summary judgment granted for the defense.
- Seaman, et al. v. Arvida Realty Sales, 985 F. 2d 543 (11th Cir.), cert. denied, 510



Practice Team

Cathy J. Beveridge
Heather B. Brock
Melissa A. Dearing
Vanessa S. Hodgerson
Eric J. Holshouser
Kelly H. Kolb
Robert G. Riegel, Jr.
Barbara L. Sanchez-Salazar
Timothy B. Strong
Jeffrey P. Watson

ERISA and Employee Benefits

U.S. 916 (1993). Interference with employee benefits.

- Weiss v. Western-Southern Life, No. 8:01CV1048-T-27 EAJ (M.D. Fla. 2002). Granted summary judgment for defendants in ERISA disability claim.