

Employee Benefits/ERISA



REPRESENTATIVE EXPERIENCE

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Employee Benefits

Assisted several construction industry employers in negotiating mass withdrawal settlement terms with union pension fund and PBGC and resolving accumulated funding deficiency excise tax issues with IRS.

Assisted client in persuading insurance carrier to reinstate long-term disability benefits after it discontinued such payments.

Assisted trust company in evaluating its responsibilities in serving as trustee or custodian of IRAs investing in hard-to-value assets such as real estate partnerships and LLCs.

Assisted accounting firm in resolving qualification issues raised by IRS on audit of 401(k) plan.

Assisted client with VCP filing under EPCRS to correct TPA's drafting error relative to defined benefit pension formula and corrective amendment.

Assisted client in obtaining Code Section 501(c)(9) tax-exempt status for VEBA established by TPA and in the preparation and filing of Forms 990 and 990-T excise tax returns for past 10 years.

Assisted client in establishing and qualifying ESOP and obtaining Code Section 1042 income tax deferral on gain from sale of shares to ESOP.

Assisted ESOP trustees with exercise of fiduciary duties related to sale of company stock as part of company's acquisition by an outside party.

ERISA Litigation

Successfully defended Fortune 500 Company from union pension fund claim of complete withdrawal from request for review, initiation and prosecution of arbitration proceedings to all levels of federal court litigation.

Represented taxpayer in prosecution of U.S. Tax Court petition seeking determination of substantial compliance with Code Section 1042 requirements



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ATTORNEYS

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for excluding gain on sale of shares to ESOP where accountant had failed to include required elections with tax return.

Represented taxpayer in prosecution of U.S. Tax Court petition and settlement with IRS pertaining to issue in connection with excess retirement plan contributions to 403(b) annuity and self-employed Keogh plan.

Successfully defended accounting firm in malpractice trial from union pension fund claims that it failed to timely advise the fund of need to make certain required pension plan amendments to maintain tax-qualified status.

Successfully defended client from claim by multiemployer pension plan for withdrawal liability on grounds of controlled group, alter ego and evade and avoid.

Assisted former bank president in settling claims of breach of fiduciary duty and prohibited transactions brought by U.S. Department of Labor arising out of sale of shares to bank holding company ESOP.



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