

## Executive Compensation Litigation

Executive compensation practices have recently received substantial attention from the media, corporate shareholders, Congress, the Internal Revenue Service (IRS), and the Securities and Exchange Commission (SEC). The current financial crisis and the enactment of laws that directly focus on executive compensation arrangements have lead to more litigation in this area. Our attorneys have successfully defended claims regarding executive compensation arrangement and are very experienced in advising and finding solutions for our corporate clients to defend and avoid such litigation. Examples of our relevant experience include:

- Successfully defended claims relating to whether a deferred compensation plan qualified as a top hat plan and whether corporate officers had a duty to fund a rabbi trust and distribute benefits to plan participants before the company filed for bankruptcy.
- Represented the trustee of a rabbi trust in litigation relating to the plan sponsor's obligation to fund benefit payments following corporate reorganizations.
- Following the bankruptcy of a parent company, represented a subsidiary with respect to claims raised by participants in top hat plans relating to the subsidiary's obligation to fund benefit payments.
- Represented administrative committee of a nonqualified defined benefit plan in connection with claims by plan participants contesting forfeiture of plan benefits.