

Appellate Litigation

Supplementing our trial court proficiency, our litigators regularly argue before appellate courts nationwide. Whether appearing on behalf of clients or filing *amicus curiae* briefs, we have brought our substantive expertise to bear in achieving many notable appellate rulings relating to employee benefit matters. Examples of recent appellate matters include:

- Prepared the respondent's brief in *Sereboff v. Mid Atlantic Medical Services*, the Supreme Court's decision addressing subrogation and reimbursement rights.
- Successfully argued for the reversal of a judgment entered against a financial institution that served as trustee for an Employee Stock Ownership Plan (ESOP).
- Obtained an appellate ruling that a deferred compensation plan qualified as a top hat plan and that corporate officers did not have a duty to fund a rabbi trust and distribute benefits to plan participants before the company filed for bankruptcy.
- Secured an appellate ruling that a state law prohibiting health care subrogation claims was not saved from preemption under Employee Retirement Income Security Act's (ERISA) insurance savings clause.
- Obtained the reversal of a summary judgment ruling entered by trial court regarding the construction and interpretation of an insurance policy providing accidental death and dismemberment benefits.
- Defended through appeal numerous benefit claims brought by participants in pension and welfare plans established by Fortune 500 companies, among others.