

Publications

Third Circuit Extends Section 1114 Protection to Non-Vested Retiree Benefits

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On July 13, 2010, the United States Court of Appeals for the Third Circuit held that section 1114 of title 11 of the United States Code applies to all retiree benefits, even those that the plan sponsor could have terminated outside of bankruptcy. In *In re Visteon Corp., et al*, the Third Circuit broke with the conclusion reached by most courts that have addressed the issue. Please see the attached memo for further details.