

FIRM NEWS

SRZ Successfully Represents Defendants in ERISA Claim, Settlement and Related Fee Litigation

October 27, 2011

SRZ represented the International Ladies' Garment Workers' Union ("ILGWU") Death Benefit Fund, the UNITE HERE Staff Retirement Plan, their fiduciaries, Amalgamated Services Corp., Amalgamated Life Insurance Co., Alicare Inc. and individual defendant Michael Hirsch against a claim for over \$1.7 million in attorneys' fees stemming from an ERISA action. The plaintiffs, multiple former officers of the ILGWU, sued our clients, and several others, in this ERISA fiduciary breach action on behalf the plans' participants. After moving to dismiss the complaint, the case was settled, and, per the settlement, the independent fiduciary resigned and the defendants agreed to comply with certain recordkeeping requirements without an admission of fault or breach. Plaintiffs' counsel then sought over \$1.7 million in attorneys' fees.

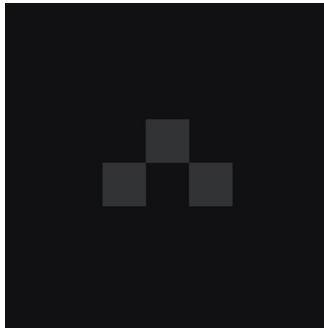
In this precedent-setting decision, the federal magistrate judge denied the plaintiffs' motion in its entirety on the basis that plaintiffs had obtained only "trivial" success on the merits. The court also held that even if the plaintiffs had achieved some degree of success on the merits, they would not be entitled to fees under the traditional five factor test used by courts, and that the fees demanded were "excessive in the extreme." SRZ's representation was led by employment & employee benefits partners Ronald E. Richman and Holly H. Weiss.

Related People



**Ronald
Richman**

Partner
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**Holly
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EMPLOYMENT AND EMPLOYEE BENEFITS