

Novara Law Wins Summary Judgment Motion in ERISA Alter-Ego Case

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Novara Law Partners Paul Catenacci, Bryan Beckerman and Nathan Ring, along with Associate Attorney Alex Dombrow, obtained a ruling that a unionized contractor was operating a non-union alter-ego in order to evade fringe benefit obligations.

The United States District Court for the Eastern District of Michigan found in favor of the firm's multiemployer fringe benefit plan clients on counts alleging the union company and its non-union alter-ego failed to make required fringe benefit contributions under ERISA, that the owners breached their fiduciary duty under ERISA when they failed to make the required fringe benefit contributions, and that the owners violated the Michigan Building Contract Fund Act (MBCFA).

The Court further sided with the firm's clients on a core issue of preemption under ERISA, finding that the MBCFA was not preempted by ERISA.

This multimillion-dollar case will now proceed to the damages phase.

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PRACTICE AREAS

Employee Benefits/ERISA

Litigation