

# Judge Allows ERISA Class Action Against Huntington Ingalls to Proceed to Trial

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A class action lawsuit asserting the use of an outdated mortality table to calculate benefits is moving forward to trial against Huntington Ingalls after the defendant's motion for summary judgment was denied.

On September 29, Senior Judge Rebecca Beach Smith, US District Court for the Eastern District of Virginia, denied Huntington Ingalls' motion for summary judgment, holding that the plaintiff, Roger A. Herndon, stated valid claims under the Employment Retirement Income Security Act (ERISA) in the class action lawsuit. Judge Smith also denied cross-motions to exclude the parties' experts.

The plaintiff filed the lawsuit in May 2019 claiming that the company breached its fiduciary duty under ERISA by using 1971 mortality assumptions to calculate pension payments for workers who choose nonstandard payout methods.

Bailey Glasser lawyers Gregory Porter and Mark Boyko represent the plaintiff in this case. Co-counsel includes Mark P. Kindall, Robert A. Izard, Seth R. Klein, Douglas P. Needham, and Oren Faircloth of Izard Kindall & Raabe LLP.

The case against Huntington Ingalls is one of ten cases that Bailey Glasser have filed claiming employers used outdated mortality assumptions—some older than fifty years—to calculate benefits.

## **Attorneys**

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**Practice Areas**

ERISA, Employee Benefits & Trust Litigation