



Partner

## Mark G. Boyko

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Mark Boyko practices primarily in the area of complex fiduciary breach and prohibited transaction litigation, representing clients in actions brought under the Employee Retirement Income Security Act of 1974 (ERISA). He has secured judgments and settlements in this area exceeding \$500 million and handled successful appeals in federal circuit courts as well as the US Supreme Court.

Mark is a pioneer in ERISA class action litigation, representing workers and retirees in many of the earliest cases in his field. In these matters, Mark represents 401(k) plan participants alleging breach of fiduciary duties in order to hold employers and Wall Street accountable for the plans' investments and fees.

His practice also includes numerous private company ESOP cases in which he represents workers claiming that fiduciary trustees caused their employee stock ownership plans (ESOPs) to overpay corporate insiders for private company stock. Additionally, Mark represents pension plan participants in cases alleging that plans using decades-old mortality tables have unfairly reduced monthly benefits for married retirees.

Mark also handles matters related to the denial of long-term disability benefits for people impacted by COVID-19, including individuals who are immunocompromised or have other issues that impact their ability to be in-person at workplaces, or who have long-haul COVID.

Mark's practice additionally includes providing legal and strategic services to founders, startups, and small businesses from pre-conception through Series-A funding.

### **Awards & Accolades**

*Super Lawyers*, Missouri, "Rising Star," Class Action/Mass Torts, Employee Benefits, Business/Corporate, Personal Injury - General (2020)

## Practice Areas

Appellate and Supreme Court Practice  
Arbitration & Dispute Resolution  
Business & Finance  
COVID-19 Long-Term Disability  
ERISA, Employee Benefits & Trust Litigation  
Life Sciences  
Private & Family Businesses

## Education

LL.M., New York University School of Law, 2005  
J.D., University of Missouri - School of Law, 2004  
B.A., University of Illinois at Urbana-Champaign, 2001

## Admissions

Missouri  
Illinois  
New York

## Representative Matters

- Representing surgeon in federal case against Unum related to COVID-19 and the denial of long-term disability benefits under an ERISA long-term disability plan.
- Represents employees and 401(k) plan participants in litigation alleging employers used their own expensive proprietary investment products in the plans because of the benefit to the employer
- Represents retirees and defined benefit pension plan participants in litigation against employers such as American Airlines and Anheuser Busch concerning the actuarial calculations the plans use to calculate pension benefits
- Represents current and former employees in litigation alleging that the purchase or sale of privately held stock by an Employee Stock Ownership Plan (ESOP) was not at market prices and instead done to benefit the corporate founders or insiders
- Represents workers and retirees alleging their employer imprudently concentrated their 401(k) plan investments in single stocks or a small number of stocks

- Represents Embark Veterinary, Inc., a canine genetic testing company, on corporate matters from company origin
- Represents startups in diverse fields including medical monitoring and YouTube/entertainment

## News & Insights

Settlement Announced in McBride ESOP Litigation  
05.24.2022

Bailey Glasser Reaches \$15 Million ERISA Settlement On Behalf Of Workers and Retirees of Seventy Seven Energy Corporation  
04.21.2022

Bailey Glasser Receives Preliminary Approval on \$59 Million Settlement to End ERISA Suit with Raytheon  
02.25.2021

Settlement Announced in Raytheon Pension Suit  
02.13.2021

Bailey Glasser Announces Promotions for 2021  
12.31.2020

Bailey Glasser Secures Record \$17 million For Retirement Plan Savers  
12.02.2020

Judge Allows ERISA Class Action Against Huntington Ingalls to Proceed to Trial  
09.30.2020

First In The Nation Actuarial Equivalence Case Moves Toward Trial  
08.31.2020

McBride & Son Executives Must Face Lawsuit Alleging They Ripped Off Their Own Employees in Selling Themselves the Employee Owned Company at a Steep Discount  
08.25.2020

Fourth Circuit Overturns Ruling from District Court in Gannett Company ERISA Case  
08.11.2020

Bailey Glasser Attorney Mark Boyko Appointed to St. Louis County Economic Rescue Team  
06.24.2020

Bailey Glasser Defeats Motion To Dismiss On Behalf of St. Luke's Health System Employees  
06.23.2020

Mark Boyko Speaking at ABA Webinar Series  
06.12.2020

Bailey Glasser Announces \$17 Million Settlement With Neuberger Berman To End ERISA Class Action  
06.10.2020

Bailey Glasser Named Legal Lions of the Week by *Law360*  
03.09.2020

Judge Allows ERISA Class Action Against Huntington Ingalls to Proceed  
02.21.2020

Judge Allows ERISA Class Action Against Rockwell Automation to Proceed  
02.14.2020

ERISA Class Action Lawsuit Against Partners Healthcare Moves Forward  
01.31.2020

Mark Boyko Speaking at ABA Employees Benefits Symposium  
01.17.2020 - 01.18.2020

*Law360* Quotes Mark Boyko on Recent ERISA Related Cases Before US Supreme Court  
01.09.2020

*Law360* Quotes Mark Boyko on Ninth Circuit Decision to Compel Arbitration  
12.27.2019

Bailey Glasser Announces \$2.4 Million Settlement With Allina Health To End ERISA Class Action  
11.07.2019

Bailey Glasser Defeats Motion To Dismiss On Behalf of McBride & Sons Employees  
10.02.2019

Bailey Glasser Representing Pensioners in American Airlines ERISA Suit  
08.13.2019

Bailey Glasser's ERISA Team Breaks New Ground  
07.08.2019

Law360 Quotes Mark Boyko On The Third Circuit Court of Appeal's Decision On ERISA Suit  
06.21.2019

Law360 Quotes Mark Boyko on Supreme Court's Decision to Review ESOP Case  
06.05.2019

Neuberger Berman Employees Notch Win In 401(k) Self-Dealing Lawsuit  
05.10.2019

Franklin Templeton Employees Expand Claims Involving Company 401(k) Plan  
04.11.2018

Edward Jones Employees Score In Case Involving Company 401(k) Plan  
03.28.2018

401(k) Participants Survive Motion to Dismiss ERISA Case Against Providence Health  
03.23.2018

Federal Judge Approves \$5 Million Settlement In ERISA Case Against TIAA  
10.24.2017

Judge Allows ERISA Class Action Lawsuits Against Employers Over 401(k) Plans to Proceed  
01.17.2017

Bailey Glasser Named One Of Top ERISA Firms In The Nation  
11.10.2016

Mark Boyko Quoted on ERISA 401(k) Class Action Against Edward Jones  
09.06.2016

Bailey Glasser Opens New Office in St. Louis  
08.12.2016

## **Community and Professional Activities**

Director, Kirkwood R-VII School District

St. Louis County Economic Rescue Team

Board Member, Places for People (2009-2021)

Vice-Chair, Employee Benefits General Committee, American Bar Association's Torts, Trial, and Insurance Practice Section (2020-21)

Former professional soccer referee