

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

08.11.2020

We are pleased to announce the Fourth Circuit Court of Appeals in *Quatrone v. Gannett Company, Inc.* vacated and remanded the decision from the US District Court for the Eastern District of Virginia dismissing claims for breach of fiduciary duty under the Employee Retirement Income Security Act (ERISA). Bailey Glasser partner Gregory Porter argued the case on behalf of Gannett employees and retirees during the appeal, which was heard by the appellate court virtually in May. The decision sets up a circuit split with the Fifth Circuit Court of Appeals' decision in *Schweitzer v. Inv. Comm. of the Phillips 66 Sav. Plan*, 960 F.3d 190 (5th Cir. 2020), where Bailey Glasser also represents the plaintiffs.

The plaintiffs allege that Gannett Co. Inc. caused its 401(k) plan to lose roughly \$135 million by keeping investments in its former parent company's stock. Under the ERISA statute, Gannett breached its fiduciary duties by not reducing the plan's significant holdings in Tegna common stock after the company's spinoff.

Bailey Glasser partners Gregory Porter and Mark Boyko represent the plaintiffs in this case. Co-counsel includes Mark Kindall, Robert A. IZard and Douglas P. Needham of IZard Kindall & Raabe LLP. These lawyers also represent the plaintiffs in the *Schweitzer* case, and other cases across the country alleging violations of ERISA by the continued offering of stock in former employers following corporate spinoffs.

Attorneys

Mark G. Boyko

Gregory Y. Porter

Practice Areas

ERISA, Employee Benefits & Trust Litigation