

Judge Allows ERISA Class Action Against Rockwell Automation to Proceed

02.14.2020

On February 10, Judge Lynn Adelman, US District Court for the Eastern District of Wisconsin, denied the defendants' motion to dismiss, holding that the plaintiff stated valid claims under the Employment Retirement Income Security Act (ERISA) in a class action lawsuit against Rockwell Automation. The lawsuit accuses the company of using an outdated mortality table to calculate benefits.

The plaintiff, Rickie Smith, filed a lawsuit in April 2019, claiming that the Wisconsin-based manufacturer's plan promised that alternative annuity benefits for retirees would be actuarially equivalent to their default benefits under the plan. However, because the plan used a mortality table created in 1971 and a 7% interest rate to calculate those alternatives, they were lower than what would be equivalent to the default benefits.

Bailey Glasser lawyers Gregory Porter and Mark Boyko represent the plaintiff in this case. Co-counsel includes Mark Kindall and Robert A. Izard of Izard Kindall & Raabe LLP as well as Charles J. Crueger and Erin K. Dickinson of Crueger Dickinson LLC. The case against Rockwell is one of ten cases that Bailey Glasser have filed claiming employers used outdated mortality assumptions—some older than fifty years—to calculate benefits.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

Mark G. Boyko

Gregory Y. Porter

Practice Areas

ERISA, Employee Benefits & Trust Litigation