

# Law360 Quotes Mark Boyko on Ninth Circuit Decision to Compel Arbitration

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Law360 quoted Mark Boyko in a December 20 article titled "The Biggest ERISA Decisions of 2019." The article runs through a list of developments tied to the Employee Retirement Income Security Act (ERISA) including a court decision from the Ninth Circuit, when a three-judge panel ruled in August that Charles Schwab Corp. could write a provision into its 401(k) plan blocking ERISA fiduciary-breach class actions.

Boyko was quoted on the effectiveness of using arbitration to resolve ERISA related complaints from a certain number of employees. "I think it's intellectually inconsistent to say the plan can both choose to arbitrate its case and choose to limit its damages to only one participant's recovery when the statute clearly allows the plan to recover all of its losses," said Boyko.

The full article can be read at *Law360* (subscription required). Boyko and Bailey Glasser partner Gregory Porter have also successfully resolved a number of similar ERISA class actions related to 401(k) plans.

## Attorneys

Mark G. Boyko

Gregory Y. Porter

## Practice Areas

ERISA, Employee Benefits & Trust Litigation