

American Benefits Council
Benefits Law Briefing: ERISA Litigation & Company Stock
U.S. Supreme Court's Decision in *Fifth Third v. Dudenhoeffer*
Monday, August 11, 2 to 3 p.m. ET

BENEFITS LAW BRIEFING: ERISA Litigation & Company Stock; U.S. Supreme Court's Decision in Fifth Third v. Dudenhoeffer
Monday, August 11, 2 to 3 p.m. ET

The American Benefits Council will host a **Benefits Law Briefing webinar** on **Monday, August 11 at 2 p.m. Eastern Time**, to discuss the future of company stock plans in light of the recent U.S. Supreme Court decision in Fifth Third Bank v. Dudenhoeffer. [Background](#)

Jan Jacobson, senior counsel, retirement policy, will moderate the call, joined by [Theresa S. Gee](#), counsel, O'Melveny & Myers LLP. They will discuss the implications of this landmark ERISA case for employer plan sponsors, particularly those that offer company stock as an investment option in their retirement plans.

Members are encouraged to [submit questions and comments in advance](#) to Jan Jacobson at jjacobson@abcstaff.org.

A recording of this session will be available by request.

NOTE: Participation in Council webinars may be used toward continuing education/renewal requirements for many professional accreditation programs, but only by means of self-certification. Descriptions of past programs are available by [clicking here](#). Please retain your registration confirmation for your verification records.

Background:

As we reported in the Council's *Benefits Byte*, in a June 25 decision in [Fifth Third Bancorp v. Dudenhoeffer](#), the U.S. Supreme Court rejected the prior law presumption that buying or holding employer stock in an Employee Stock Ownership Plan (ESOP) is prudent. However, the Court also provided new rules that could significantly reduce successful claims based simply on the declining value of employer stock (often referred to as "stock drop" cases) or the allegation that the fiduciary should have taken an action based on "inside information." This is an important positive development for plan-sponsors with publically traded stock funds. A [Benefits Blueprint summary](#) prepared for the Council (prior to the Supreme Court's decision) by O'Melveny & Myers, LLP, discussing the case and the legal history of the prudence presumption, is available on the Council website, as is [a summary of the case and an analysis of the Supreme Court's decision](#).

For questions related to registration – or if you have colleagues at your organization who would like to participate in this call, but do not regularly receive Council materials – please contact [Deanna Johnson](#), director, membership, or [Sondra West](#), membership services coordinator, at (202) 289-6700.