

Actuarial Equivalence Litigation Chart

The following chart lists the actuarial equivalence/outdated mortality tables cases we found. There may be other cases out there and we will add those as they come to our attention. The first column of the chart lists the case name, cause number and jurisdiction. The second column lists the date the complaint was filed. The third column notes the results of motions to dismiss and motions for class certification. The fourth column shows the latest action shown on the court’s docket sheet as listed on PACER, which was last accessed August 27, 2023.

These cases generally start with a participant filing a class-action complaint. The defendant pension plan usually files a motion to dismiss under FRCP 12(b)(6) for failure to state a claim for which relief can be granted. The next step in motions practice would be for the plaintiffs to file a motion for class certification. Losing at either stage appears to have prompted settlements as shown by the dismissals with prejudice. Discovery disputes often ensue and the cases can last for years. With at least eight active cases in play, there may yet be a decision on the merits.

<u>Case, Cause #, Court</u>	<u>Date Filed</u>	<u>Motions</u>	<u>Last Docket Entry</u>
		Abbreviated as: Motion to dismiss (mot. to dismiss.); Motion for class certification (class cert.)	
<u>2018</u>			
<i>Masten v. Metropolitan Life Insurance Co.</i> , 1:18-cv-11229 (S.D.N.Y.)	12/13/18	Met. Life mot. to dismiss denied breach of fiduciary duty claims and denied in all other respects 6/14/21 recommendation to court by magistrate to certify class 3/27/23	Hearing on recommendation to certify class set for oral argument 8/28/23
<i>Martinez Torres v. American Airlines</i> , 4:18-cv-00983 (N.D. Tex.)	12/11/18	Am. Airlines mot. to dismiss denied 8/7/19; Martinez class cert. denied 5/22/20	Dismissed with prejudice 7/17/20
<i>DuBuske, et al. v. PepsiCo, Inc., et al.</i> , 7:18-cv-11618 (S.D.N.Y.);	12/12/18	Pepsico mot. to dismiss granted 9/25/19; DuBuske mot. for reconsideration partially granted 11/8/19	Voluntary dismissal w/o prejudice 11/22/19

Attachment to Benefit News Briefs 2023-33

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<i>Smith v. U.S. Bancorp</i> , 0:18-cv-03405 (C.D. Minn.).	12/14/18	Bancorp mot. to dismiss den. 6/27/10; Bancorp class cert. denied 5/18/21	Dismiss. w/prejudice 9/7/21
<u>2019</u>			
<i>Smith v. Rockwell Automation</i> , 2:19-cv-00505 (E.D. Wisc.)	4/8/19	Rockwell mot. to dismiss den. 2/10/20; Rockwell's mot. to dismiss den. 12/29/20	Dismiss. w/prejudice 1/20/21
<i>Duffy v Anheuser-Busch</i> , 4:19-cv-1189 (E.D. Mo.)	5/6/19	AB mot. to dismiss den. 3/27/20	Dismiss. w/prejudice 11/12/20
<i>Herndon v. Huntington Ingalls</i> , (HI) 4:19-cv-00052 (E.D. Va.)	5/20/19	HI mot. to dismiss den. 2/18/20; HI mot. Summary Judgment den. 9/29/20	Dismiss. w/prejudice 5/10/22 (settled \$2.8m)
<i>Cruz v. Raytheon</i> , No. 19-cv-11425 (D. Mass.)	6/27/19	Mot. to dismiss den. 1/17/20	Dismiss. w/prejudice 7/20/21 (settled \$59m)
<i>Belknap v. Partners Healthcare</i> , 1:19-cv-11437 (D. Mass 2022)	6/28/19	Mot. to dismiss den. 1/24/20; S/J for Partners Healthcare 3/4/22; Appealed by Belknap 3/16/22	Appeal by Belknap dropped 8/30/22
<u>2020</u>			
<i>Berube v. Rockwell Automation</i> , 2:20-cv-01783 (E.D. Wisc.)	12/2/20	Mot. to dismiss den. 4/12/21; Class cert den. 4/3/23	Court order scheduling motions 7/17/23

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<u>2022</u>			
<i>Adams v. U.S. Bancorp</i> , 0:22-cv-00509 (D. Minn.)	2/28/22	Mot to dismiss. den. 10/17/22	Order on discovery 8/9/23
<i>Brown v United Parcel Service</i> , 1:22-cv-01672 (N.D.Ga.)	4/27/22	No mot. to dismiss. or for class cert.	UPS answ. class action complaint 8/17/23
<i>Skrnich et al. vs. Pinnacle West Capital Corp.</i> , 2:22-cv-01753; (D.Ariz.)	10/13/22	Dism. some claims 8/7/23	Reconsideration of mot. to dismiss. filed by Pinnacle West 8/22/23
<i>Knight v IBM</i> , 7:22-cv-04592 (S.D.N.Y.)	6/2/2022	IBM's mot. to dismiss. filed 1/18/23; no ruling	Counsel appearance 5/2/23
<i>Kevin McFadden vs. Sprint Communications LLC et al.</i> 2:22-cv-02464 (D.Kan.)	11/11/22;	No mot. to dismiss. or for class cert. filed	8/2/23 discovery deadline order
<i>Hamrick v. E.I. Du Pont de Nemours and Company</i> - 1:23-cv-00238 (D.Del.)	3/3/23	Mot. to dismiss. filed 5/26/23; no ruling	Request for oral argument 8/9/23