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EDUCATION

Villanova University School of Law
JD
James Madison University
BA

ADMISSIONS

District of Columbia
New Jersey
Pennsylvania
U.S. District Court District of Columbia
U.S. District Court Eastern Wisconsin
U.S. District Court Western Michigan
U.S. District Court Eastern Pennsylvania
U.S. District Court New Jersey
Numerous Court of Appeals

William Delany

Principal | Litigation Co-Chair

William Delany focuses his practice on defending clients against Employee Retirement Income Security Act of 1974 (“ERISA”) class actions and complex employment discrimination lawsuits. He represents clients against class action claims challenging 401(k) savings plan administration, stock drop litigation and fiduciary duty issues that arise from retiree medical and other employee benefit plan modification and/or termination. He counsels employee benefit plan administrators and trustees on ERISA and breach of fiduciary claims.

In addition, William represents employers in labor and employment cases in U.S. federal and state courts and before agencies such as the National Labor Relations Board (“NLRB”), the U.S. Equal Employment Opportunity Commission (“EEOC”), the Pennsylvania Human Relations Commission, the Pennsylvania Labor Relations Board and the New Jersey Division on Civil Rights. He handles executive employment disputes, non-compete agreements and restrictive covenants, employment discrimination claims, and traditional labor claims that involve the labor-management relationship and individual employee rights. He also advises employers on executive misconduct and guides them through fraud investigations.

Representative matters include:

Multiple-week trial of ERISA class action brought against insurance company issuer of 401(k) investment and recordkeeping platform; settled on favorable terms pending ruling

Defended 401(k) plan in multiple week trial of ERISA class action alleging breach of fiduciary duty arising out of fees and expenses incurred by plan

Pursued lawsuit on behalf of pension plan and third-party plan administrator to recover pension overpayments resulting from a significant calculation error; court granted summary judgment in clients’ favor on all claims and primary holdings affirmed on appeal

Defended ERISA class action lawsuits challenging life insurance companies' stable value investment options offered in 401(k) and 403(b) plans, including claims of breach of fiduciary duty and prohibited transactions

Defended ERISA class action lawsuit challenging insurance company's use of retained asset accounts for payment of life insurance benefits

Defended large insurance annuity provider against ERISA breaches of fiduciary duty and prohibited transactions claims arising out of offering of proprietary funds in 401(k) plan

Defended financial services firm against ERISA breaches of fiduciary duty and prohibited transactions claims arising out of offering of proprietary funds in 401(k) plans

Defended multiple employers/plan sponsors in ERISA fees and expenses putative class actions

Defended employers/plan sponsors in ERISA "stock drop" class actions challenging offering of company stock in retirement plans

Defended employer/plan sponsor in lawsuit challenging termination of retiree medical benefits; motion to dismiss granted

Defended pension plan service provider in lawsuit challenging funding obligations of pension plan

Pursued ERISA lawsuit brought by an employee stock ownership plan ("ESOP") against former ESOP CEO for recovery of plan assets and for ERISA prohibited transactions; defended ESOP against state law claims brought by CEO for severance pay

Defended insurance companies in class action lawsuits challenging methods and amounts of payment of health insurance claims, including claims brought by medical providers with purported "assignments" from plan participants and claims regarding the calculation of service provider expenses, including disputed calculations of usual, customary and reasonable medical reimbursements

Defended employers/plan sponsors in ERISA claims for severance benefits

Defended employers/plan sponsors in class action lawsuits alleging ERISA anti-cutback and benefit claims arising out of amendment of pension plan benefits

Defended insurance company in ERISA class action brought on behalf of all claimants denied long-term disability benefits; successfully opposed class certification and class-wide discovery; secured favorable settlement in favor of client on remaining individual claim

PROFESSIONAL AFFILIATIONS

- Labor and Employment Law Section, American Bar Association
- Philadelphia Bar Association
- Editor-in-Chief, *Villanova Law Review*