



FIDUCIARY LITIGATION

CORRECTING BREACHES OF TRUST

Looted pension funds, fraudulent investments and vanishing profits are the stuff of headlines—and nightmares. When trusts and their beneficiaries find themselves on the losing end of fiduciary mismanagement, we help them recover assets believed to be gone forever.

Recognized Excellence in ERISA Cases

"Kessler Topaz is one of the most experienced ERISA litigation firms in the country, with particular expertise in the area of ERISA breach of fiduciary class actions..... Moreover, Kessler Topaz is one of only a very few firms in the country with trial experience in ERISA 'company stock' fiduciary breach class actions." — U.S. District Court opinion in *In re Chesapeake Energy Corporation 2012 ERISA Class Litigation*.

Our Fiduciary Litigation group has recovered more than \$1 billion for clients victimized by fiduciary failures. We have served as lead or co-lead ERISA counsel in some of the most significant cases in history, including actions against managers who funneled retirement funds into Madoff-controlled vehicles, cases involving the investment of 401(k) or savings-plan assets in employer securities and first-impression appeals in four federal circuit courts.

Clients trust us to manage these difficult and often emotional cases with experience, zeal and compassion.

Securities-Lending Recoveries

As securities lending has become a significant service offered by banks, institutional clients increasingly ask us to represent them in fiduciary breach disputes involving these lending programs.

We have taken on major banks, including JPMorgan Chase and The Bank of New York Mellon, in actions alleging they imprudently invested cash collateral

acquired by lending our clients' securities. In both of these highly technical cases, we developed comprehensive discovery records for use at trial. Our thorough preparation allowed us to maximize client recovery—a \$150 million settlement in the JPMorgan action recovered on the eve of trial and a \$280 million settlement in the BNY Mellon case recovered after the evidentiary record was closed. In another securities lending matter, we recovered \$75 from American International Group, Inc. following an intense and lengthy arbitration.