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LARGEST PENSION SETTLEMENT IS ANNOUNCED

The National Law Journal

January 14, 1991 Monday

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THE NATIONAL
LAW JOURNAL

Section: Pg. 32 (col. 1); Vol. 13

Length: 213 words

Body

WASHINGTON In the largest recovery ever for U.S. workers, the Continental Can Co. has agreed to pay \$415 million to more than 3,000 former employees who were illegally deprived of pension benefits.

The settlement comes a year after U.S. District Judge H. Lee Sarokin found that the company had schemed to save vast amounts of money by firing workers just before they qualified for full benefits a violation of the Employee Retirement Income Security Act. *Jakub v. Continental Group*, 8949009.

Judge Sarokin named Yale Law School Prof. George L. Priest special master to help settle the claims, and after an intense week of head-knocking just before Christmas he succeeded in forging an agreement. One of the key plaintiffs' lawyers, John Jacobs of Chicago's Plotkin & Jacobs, said an additional incentive for settlement was the scheduled April 9 trial of civil racketeering allegations against the company, which could have resulted in treble damages and attorney fees.

The litigation began in 1981 under then-union staff attorney Daniel McIntyre, now a sole practitioner in Falmouth, Maine. Roslyn Litman of Pittsburgh's Litman, Litman, Harris, Brown & Watzman led the case through one trial; Michael Gottesman of Washington, D.C.'s Bredhof & Kaiser handled the successful appeal.

Classification

Language: ENGLISH

Publication-Type: Newspaper

Subject: LAWYERS (91%); JUDGES (90%); NEGATIVE PERSONAL NEWS (90%); US EMPLOYEE RETIREMENT INCOME SECURITY ACT (90%); AGREEMENTS (78%); COSTS & ATTORNEY FEES (78%); DAMAGES (78%); LITIGATION (78%); NEGATIVE BUSINESS NEWS (78%);

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PENSIONS & BENEFITS LAW (78%); SETTLEMENT & COMPROMISE (78%); LAW SCHOOLS (73%); COLLEGE & UNIVERSITY PROFESSORS (70%)

Company: CONTINENTAL CAN CO INC (91%)

Industry: SIC2679 CONVERTED PAPER & PAPERBOARD PRODUCTS, NEC (91%); LAWYERS (91%); US EMPLOYEE RETIREMENT INCOME SECURITY ACT (90%); LAW SCHOOLS (73%); PERSONAL FINANCE (73%); COLLEGE & UNIVERSITY PROFESSORS (70%)

Geographic: DISTRICT OF COLUMBIA, USA (79%); UNITED STATES (92%)

Load-Date: April 16, 2011

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