

10-22-1996

## Helmelt v U.S.

Westlaw

Follow this and additional works at: <https://scholarship.law.pitt.edu/roz-litman-cases>



Part of the [Law Commons](#)

---

### Recommended Citation

1999 WL 756505

This Case Brief is brought to you for free and open access by the Roz Litman Archive at Scholarship@PITT LAW. It has been accepted for inclusion in Cases by an authorized administrator of Scholarship@PITT LAW. For more information, please contact [leers@pitt.edu](mailto:leers@pitt.edu), [shephard@pitt.edu](mailto:shephard@pitt.edu).

951 F.Supp. 562

United States District Court, D. Maryland.

George J. HEMELT, et al., Plaintiffs,

v.

UNITED STATES of America, Defendant.

William W. SCHELL, et al., Plaintiffs,

v.

UNITED STATES of America, Defendant.

Civil Nos. AMD 94-2490, AMD 95-3978.

|

Oct. 22, 1996.

### Synopsis

Taxpayers brought action for refund of income taxes paid on compensation taxpayers received from settlement of claim under civil enforcement provision of Employee Retirement Income Security Act (ERISA). Both parties moved for summary judgment. The District Court, [Davis, J.](#), held that compensation awarded under ERISA was not tort-like remedy and, thus, not excludable from gross income.

Ordered accordingly.

West Headnotes (1)

[1] **Internal Revenue** 🔑 [Compromise of claim or liability](#)

[220](#) Internal Revenue

[220V](#) Income Taxes

[220V\(D\)](#) Incomes Taxable in General

[220k3123](#) Compromise of claim or liability

United States Supreme Court *Mertens* decision that section of ERISA permitting plan participants to bring civil actions to obtain appropriate equitable relief does not authorize award of compensatory damages, applied to taxpayers' settlement of claim under civil enforcement provisions of ERISA, even though settlement occurred prior to Supreme Court decision, and thus, compensation which taxpayers recovered from ERISA claim was not tort-like recovery and not excludable from

taxpayers' gross income for tax purposes. [26 U.S.C.A. § 104\(a\)\(2\)](#); Employee Retirement Income Security Act of 1974, §§ 502(a), 510,

[29 U.S.C.A. §§ 1132\(a\), 1140.](#)

[1](#) Cases that cite this headnote

### All Citations

951 F.Supp. 562, 78 A.F.T.R.2d 96-7290, 65 USLW 2400, 96-2 USTC P 50,666, Pens. Plan Guide (CCH) P 23929Y