

## MATTHEW D. GRABELL

**Partner** / Atlanta

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### **Matthew Grabell provides employers with representation and counsel in matters related to employment and employee benefits law.**

His practice is focused on ERISA litigation, labor litigation, and general ERISA compliance matters. Matthew regularly defends employers in all phases of ERISA litigation including but not limited to breach of fiduciary duty claims, prohibited transactions claims, and wrongful denial of benefits claims. Matthew has defended both employers and their benefit plans in both single plaintiff actions and ERISA class actions, as well as in actions brought by the Department of Labor Employee Benefits Security Administration. Matthew has experience litigating these matters all over the country and in multiple Federal Appellate courts.

Matthew also frequently advises employers regarding traditional benefits compliance issues for both their ERISA and non-ERISA benefit plans. These issues include, but are not limited to COBRA compliance, executive compensation, severance-related issues, general plan compliance, and more. Matthew has also served as a benefits specialist for clients in numerous mergers and acquisitions on both the buy-side and sell-side.

Finally, Matthew assists employers required to contribute to multiemployer benefit funds in defending against claims by those funds for audit compliance, contributions, and withdrawal liability. Prior to joining FordHarrison, Matthew worked at a boutique firm that specialized in representing multi-employer Taft-Hartley Funds giving him a unique perspective in this area. The clients Matthew has represented operate in various industries including but not limited to healthcare, manufacturing, construction, service, and transportation.

### **Representative Experience**

- » Successfully defended class certification and obtained summary judgment on behalf of a credit processing company accused of mismanaging its pension plan.
- » Argued before the United States Court for the Eleventh Circuit Court of Appeals regarding the availability of

### **EDUCATION**

- » Loyola University Chicago School of Law (J.D., *magna cum laude*, 2013)
- » DePaul University (B.A., *magna cum laude*, 2010)

### **BAR ADMISSIONS**

- » Illinois
- » Georgia

### **COURT ADMISSIONS**

- » U.S. Court of Appeals for the Sixth Circuit
- » U.S. Court of Appeals for the Seventh Circuit
- » U.S. Court of Appeals for the Eleventh Circuit
- » U.S. District Court for the Northern District of Georgia
- » U.S. District Court for the Middle District of Georgia
- » U.S. District Court for the Northern District of Illinois
- » U.S. District Court for the Central District of Illinois
- » U.S. District Court for the Southern District of Indiana
- » U.S. District Court for the Northern District of Indiana
- » U.S. Bankruptcy Court for the Southern District of Indiana
- » U.S. Bankruptcy Court for the

equitable surcharge under ERISA §502(a)(3).

Northern District of Illinois

- » Assisted in appeal in the United States Court for the Seventh Circuit where the Seventh Circuit for the first time declared that ERISA claims are arbitrable.
- » Defended numerous employers and benefit plans in wrongful denial of benefits claims brought under ERISA §502(a)(1)(B) and breach of fiduciary duty lawsuits brought by participants and beneficiaries under ERISA §502(a)(2) and ERISA §502(a)(3).
- » Defended selling shareholders from class-action claims relating to breach of fiduciary duty and prohibited transaction claims in Employee Stock Ownership Plan ("ESOP") transactions.
- » Successfully obtained summary judgment on behalf of numerous construction industry employee benefit funds in complex alter ego, successor, and single employer liability cases.
- » Assisted a multi-employer benefit fund in obtaining a successful ruling in the United States Court for the Sixth Circuit Court of Appeals in enforcing a collective bargaining agreement that was not signed by an employer under the Labor Management Relations Act.
- » Assisted clients in negotiating service provider contracts and investment management agreements.

## Honors & Awards

- » *Best Lawyers in America: Ones to Watch* - Labor and Employment Law - Management and Litigation - Labor and Employment (2022-2024)

## News & Insights

- » August 17, 2023 - Fourteen Atlanta-Based FordHarrison Attorneys Listed in the 2024 Best Lawyers in America and Five Listed in Ones To Watch
- » February 09, 2023 - Six FordHarrison Attorneys Listed as 2023 Georgia Super Lawyers and Rising Stars
- » February 22, 2021 - "7th Circ. Told ERISA Individual Arbitration Clauses Are Legal," Law360
- » January 20, 2021 - "Workers Ask 7th Circ. To Keep ERISA Suit In Court," Law360
- » April 14, 2020 - Health Plan Provisions and FAQs in COVID-19 Related Guidance

## Events

- » June 30, 2022 - Lessons Learned from the Trenches of ERISA Litigation - Complimentary Webinar
- » May 05, 2021 - What You Need to Know | COBRA Subsidy Under the American Rescue Plan Act - Complimentary Webinar

## Offices

- » *Atlanta:*  
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