

## Jonathan G. Rose

Partner

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***Jonathan has handled more than 100 claims for clients faced with DOL and EEOC governmental investigations that were either dismissed or settled. Plan sponsors and fiduciaries involved in challenging ERISA and related employment litigation count on his holistic, practical approach to resolve their issues in the most effective and efficient manner possible.***

Jonathan Rose is a partner in the ERISA Litigation Group in Alston & Bird's Washington, D.C. office. He focuses his practice on the representation of plan sponsors and fiduciaries in ERISA and related employment litigation. Jonathan advises plan sponsors and fiduciaries of qualified and non-qualified pension and welfare benefit plans in compliance with a wide range of fiduciary duties required in the administration and investment of plan assets, including the prudent selection and oversight of investment and other service providers, disclosure obligations, and prohibited transaction issues.

Jonathan also advises financial institutions, investment funds, and service providers on Title I issues involving the structuring and marketing of investment funds. He has extensive experience handling litigation in many areas of labor and employment law, including whistleblower claims against government contractors, federal and state discrimination claims, and federal and state wage-and-hour claims. Jonathan also regularly assists employers in the negotiation of employment and severance agreements and provides advice in negotiating collective bargaining agreements.

Jonathan is a former chair of the American Bar Association's Joint Committee on Employee Benefits and is a fellow of the American College of Employee Benefits Counsel. He has been recognized as a Washington, D.C. *Super Lawyer* in ERISA litigation since 2012 and by *The Best Lawyers in America*® in both Employee Benefits (ERISA) Law and Litigation – ERISA since 2020.

### ***Representative Experience***

- First-chair counsel in matters that included a jury trial involving claims under Section 510 of ERISA (and ADEA) and bench trials involving complex ERISA claims on behalf of plan fiduciaries.
- Represented clients in ERISA class actions and formal disputes before arbitration panels established to resolve disputes arising under complex class action settlement agreements.
- First-chair counsel in defending Fortune 500 and other large plan sponsors in stock drop and retiree health class actions.
- Representing clients in matters involving prudence of investment options, fiduciary disclosure issues, medical benefit claims, long-term disability claims, and severance benefit claims.
- First-chair counsel defending a large prescription benefit management company from breach of fiduciary duty claims brought by a former Fortune 500 health fund client.
- Representing fiduciaries in litigation against former fiduciaries in connection with prohibited transactions, as well as fiduciary and non-fiduciary service providers for breaches resulting in large plan losses.
- Defended withdrawal liability disputes on behalf of plan sponsors in formal arbitrations.

- Represented clients in matters involving the Department of Labor (DOL) and Internal Revenue Service (IRS) on policy and enforcement matters.
- Represented plan sponsors, fiduciaries, and employers in governmental investigations by the DOL, Pension Benefit Guaranty Corporation (PBGC), IRS, and Equal Employment Opportunity Commission (EEOC).
- Advised numerous clients in voluntary compliance filings with the DOL and IRS.
- Negotiated favorable terminations with the PBGC, reducing liability for plan sponsors and control groups.
- Represented clients in multiemployer withdrawal situations and negotiated mergers of underfunded plans to avoid the imposition of withdrawal liability and excise taxes on employers through negotiations with the PBGC and IRS.
- Resolved numerous whistleblower cases on behalf of government contractors, as well as Sarbanes–Oxley investigations.
- Defending employers in litigation involving discrimination claims based on race, gender, age, religion, pregnancy, sexual orientation, and retaliation.
- Defended numerous employers in litigation involving federal wage-and-hour claims, and obtained a defense verdict for his client in the District of Maryland.
- Represented clients in over 100 claims related to governmental investigations by the DOL and EEOC; in each case, the claim was dismissed or settled on favorable terms.

## ***Publications & Presentations***

### ***Publications***

- “When the Presumption of Prudence Applies,” *Law360*, June 1, 2012.

### ***Professional & Community Engagement***

- American College of Employee Benefits Counsel, fellow
- American Bar Association, Labor and Employment Law Section
- American Bar Association, Torts and Insurance Practice Section (TIPS), chair 2006-2008

### ***Court Admissions***

- U.S. Supreme Court
- U.S. Court of Appeals for the Second Circuit
- U.S. Court of Appeals for the Fourth Circuit
- U.S. Court of Appeals for the Sixth Circuit
- U.S. Court of Appeals for the Ninth Circuit
- U.S. Court of Appeals for the Eleventh Circuit
- U.S. Court of Appeals for the District of Columbia Circuit
- U.S. District Court of Maryland, District of Columbia, Eastern District of New York, Northern District of New York, Southern District of New York, Central District of Illinois Northern District of California, Central District of California, Western District of Michigan, Northern District of Minnesota, Nebraska, Eastern District of Tennessee

## *Education*

- The Catholic University of America (J.D., 1992)
- McDaniel College (B.A., 1986)

## *Admitted to Practice*

- District of Columbia
- Pennsylvania

## *Related Services*

Labor & Employment | Employee Benefits & Executive Compensation | ERISA Litigation | Tax