



Jonathan G. Rose

Partner

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PRACTICE AREAS

- Labor and Employment

OVERVIEW

Jonathan Rose is a partner in the Labor and Employment Practice Group in the firm's Washington, D.C. office.

Areas of Practice

Jonathan Rose's practice is focused on the representation of plan sponsors and fiduciaries involved in ERISA, and related employment litigation. In addition, Mr. Rose advises plan sponsors and fiduciaries of qualified and non-qualified pension and welfare benefit plans on compliance with the 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. Mr. Rose also advises plan sponsors and fiduciaries on issues involving plan design and maintenance of tax qualified status. In addition, Mr. Rose has extensive experience handling litigation in many areas of labor and employment law, including whistle blower claims against government contractors, federal and state discrimination claims and federal and state wage and hour claims. Mr. Rose also regularly assists employers in the negotiation of employment and severance agreements, and also provides advice in negotiating as well as employee benefit issues for collective bargaining agreements.

Mr. Rose served four years as an attorney in the Pension Benefit Guaranty Corporation's ("PBGC") Office of General Counsel where he handled the PBGC's special litigation projects involving unique legal issues and difficult law enforcement cases. Mr. Rose gained extensive experience at the PBGC handling ERISA issues relating to bankruptcy liquidations and reorganizations. Thereafter, prior to joining the Firm, Mr. Rose was affiliated with a large international law firm where he handled a broad range of ERISA and labor and employment matters on behalf of large corporations, plan sponsors and fiduciaries.

EMPLOYEE BENEFITS

ERISA Litigation

Mr. Rose has substantial first-chair trial experience, including a successful jury trial involving claims under Section 510 of ERISA (and ADEA), as well as successful bench trials involving complex ERISA claims on behalf of plan fiduciaries. Mr. Rose also has significant first-chair litigation experience handling ERISA class actions, and formal disputes before arbitration panels established to resolve disputes arising under complex class action settlement agreements. Mr. Rose has first-chaired the defense of large plan

sponsors in "stock drop" and retiree health class actions. Mr. Rose also has substantial first-chair experience litigating cases involving prudence of investment options, fiduciary disclosure issues, medical benefit claims, long-term disability claims, and severance benefit claims. In addition, Mr. Rose has successfully first-chaired the defense of a large prescription benefit management company from breach of fiduciary duty claims brought by a former Fortune 500 health fund client. Mr. Rose also has significant first-chair experience successfully 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. Additionally, Mr. Rose has significant experience handling withdrawal liability disputes on behalf of plan sponsors in formal arbitrations.

Government Compliance

During his time at the PBGC, Mr. Rose had significant experience dealing with the Department of Labor and Internal Revenue Service on policy and enforcement matters. Mr. Rose has substantial experience representing plan sponsors, fiduciaries and employers in governmental investigations including the Department of Labor, the Pension Benefit Guaranty Corporation, the Internal Revenue Service, and the Equal Employment Opportunity Commission, and has successfully advised numerous clients in voluntary compliance filings with the Department of Labor and Internal Revenue Service. Mr. Rose also has significant experience with the myriad issues involved in plan terminations and has successfully negotiated favorable terminations with the PBGC, reducing plan sponsor or control group liability. In addition, Mr. Rose has substantial experience in multiemployer withdrawal situations, and has negotiated mergers of underfunded plans to avoid the imposition of withdrawal liability and excise taxes on employers through negotiations with the PBGC and Internal Revenue Service.

Plan Design and Maintenance

Mr. Rose has significant experience counseling clients on the design, implementation and maintenance of employee benefit plans. In particular, Mr. Rose has advised plan sponsors in connection with qualified and non-qualified pension and welfare benefit plans, including single and multiemployer defined benefit plans, cash balance plans, 401(k) plans, money purchase, profit sharing plans and health savings plans. Mr. Rose has also designed and implemented early retirement incentive plans for large corporations, including unique arrangements such as a knowledge transfer severance plan created for a Fortune 500 oil company to ensure that its senior engineers at facilities throughout the United States pass along their expertise and institutional knowledge to their successors. Mr. Rose regularly advises fiduciaries and plan sponsors with respect to ongoing administrative and investment responsibilities, including the negotiation of investment management and service provider agreements.

LABOR AND EMPLOYMENT

Mr. Rose has extensive experience representing employers in employment litigation and governmental investigations. Mr. Rose has successfully resolved numerous whistleblower cases on behalf of government contractors, as well as Sarbanes Oxley investigations. In addition, Mr. Rose has substantial experience defending employers in litigation involving discrimination claims based on race, gender, age, religion, pregnancy, sexual orientation, and retaliation. Mr. Rose also has defended numerous employers in litigation involving federal and wage and hour claims, and recently obtained a successful defense verdict for his client in the U.S. District Court for the District of Maryland. Mr. Rose has handled well

over a hundred claims for clients faced with governmental investigations by the Department of Labor and Equal Employment Opportunity Commission -- in each case the claim being dismissed, or settled on extremely favorable terms. Mr. Rose's approach to employment disputes is always focused upon finding the quickest and least expensive way to resolve claims by current or former employees, and to minimize the risk of any future claims.

EDUCATION

- J.D. Catholic University of America, School of Law, 1992
- B.A. Western Maryland College, 1986

ADMISSIONS

- Pennsylvania, 1992
- District of Columbia, 1995
- U.S. Supreme Court
- U.S. Court of Appeals for the Second and Fourth Circuits
- U.S. District Courts in the Southern, Northern and Eastern Districts of New York, the District of Columbia, the District of Maryland, and the Eastern District of Pennsylvania

MEMBERSHIPS

- 2008, Chair, American Bar Association's Joint Committee on Employee Benefits' Government Invitational Subcommittee
- 2006 – 2008, Chair, American Bar Association's Torts, Trial and Insurance Practice Section's Employee Benefits Committee
- 2003 - Present, Board Member, American Bar Association's Joint Committee on Employee Benefits
- 2005 - Present, Fellow, American Academy of Trial Counsel
- 2004 - Present, Editor, American Bar Association's Torts, Trial and Insurance Practice Law Journal
- 2005 - 2006, Co-Chair, American Bar Association's Labor Section's Employee Benefits Committee's Ethics Subcommittee
- 2000-2001, Co-Chair, American Bar Association's Labor Section's Employee Benefits Committee's Reporting and Disclosure Subcommittee
- 1998 - 1999, Co-Chair, American Bar Association's Labor Section's Employee Benefits Committee's Preemption Subcommittee
- Senior Editor, *The Legal Legislative Reporter*, published by the International Foundation of Employee Benefit Plans, 1999 through September 2003
- Member, District of Columbia Bar Association
- Member, American Bar Association
- Member, Pennsylvania Bar Association

ARTICLES

- Co-author of *Recent Developments in Employee Benefits Law in Tort Trial & Insurance Practice Law Journal*, Winter 2009
- Co-author of the chapter, *Estoppel as a Basis for Recovery for Misrepresentation* in the treatise *ERISA Litigation*, published by the Bureau of National Affairs (2003, 2005 and 2008 Editions), and the 2004, 2006 and 2009 Supplements.
- Co-author of *Tort Trial & Insurance Practice Law Journal Annual Survey on Recent Developments in Employee Benefits*, 1997 through 2008

- Contributor and chapter editor of the treatise, *Employee Benefits Law* for the second edition (2000), published by the Bureau of National Affairs, and the 2001, 2002, 2003, 2004, 2005, 2006, 2007 and 2008 Supplements..

SPEECHES

- March 2008 Chair, ABA Joint Committee on Employee Benefits Government Invitational
- January 2008, Moderator, Tort Trial & Insurance Practice Section's Employee Benefits Committee's ERISA Litigation Update at the 34th Annual TIPS Mid-Winter Symposium
- January 2007, Moderator, Tort Trial & Insurance Practice Section's Employee Benefits Committee's ERISA Litigation Update at the 33rd Annual TIPS Mid-Winter Symposium
- January 2006, Speaker, American Bar Association's Labor Section's Mid-Winter Meeting, Report of the Subcommittee on Ethics
- April 2005, Speaker, American Bar Association's Joint Committee on Employee Benefits' Government Invitational on Will the Stress of an Aging Population Require Changes to Claims Procedures, Appeals Structures and Plan Remedies
- February 2001, Speaker, American Bar Association's Labor Section's Mid-Winter Meeting, Report of the Subcommittee on Reporting and Disclosure
- August 2000, Speaker, American Bar Association's Annual Meeting, Labor and Employment Section's Employee Benefits Committee, Impact of the Supreme Court's Decision in Harris Trust on Third-Party Liability
- February 1998, Speaker, American Bar Association's Labor Section's Mid-Winter Meeting, Report of the Subcommittee on Preemption