

# Court Overturns \$16 Million Arbitration Award against Client PSF Industries in ERISA dispute

## News

September 30, 2021

Jenner & Block represented PSF Industries, an industrial contractor that maintained boilers, pressure vessels, heat exchangers, stacks, digesters, tanks, and other types of industrial equipment. After PSF ceased operations in 2017, the company stopped contributing to the Boilermakers-Blacksmith National Pension Trust. The fund assessed \$16 million in withdrawal liability under ERISA. PSF demanded arbitration. At issue was whether PSF qualified for ERISA's exemption to withdrawal liability for employers in the building and construction industry. The arbitrator held that PSF did not qualify for the exemption and that PSF was liable to the fund.

Last October, PSF sued the fund, seeking to overturn the arbitration award. In his ruling on September 30, Judge Fernando J. Gaitan, Jr. of the U.S. District Court for the Western District of Missouri held that the arbitrator committed multiple legal errors in his analysis of PSF's withdrawal liability. The judge overturned the arbitration award and remanded the case to the arbitrator for a new hearing.

Partner Adam G. Unikowsky led the team, which included Associate Lauren Hartz. Senior Paralegal Cheryl Olson and Paralegal Adam Weidman provided valuable support.

## Related Attorneys



**Lauren J. Hartz**

Partner

lhartz@jenner.com

+1 202 637 6363

**Adam Unikowsky**

Partner

aunikowsky@jenner.com

+1 202 639 6041

**Related Capabilities**

ERISA

Litigation

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Washington, DC

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