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Winston Submits Amicus Brief Regarding Vested Health Benefits

NOVEMBER 10, 2014

Winston & Strawn's amicus brief, submitted on behalf of the U.S. Chamber of Commerce and the Business Roundtable, was referenced in the *National Law Journal*'s November 10, 2014, article titled "No Clear Rule Likely From Justices on Retiree Health Benefits."

The high court heard argument this week in *M&G Polymers v. Tackett*, which asks whether retiree health benefits are presumed to "vest" for life when a bargained agreement is silent on the issue. Applying its own longstanding precedent, the Sixth Circuit ruled that such benefits do continue, in perpetuity, and may not be altered by the company.

On behalf of the Chamber and BRT, Winston submitted a brief warning that upholding the Sixth Circuit "threatens to impose enormous and unforeseen retroactive funding liabilities on American companies." The amici thus urged the court to adopt a clear rule that extends health benefits beyond the end of an agreement only when explicitly stated.

The full brief is available here.

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