

ROBERT J. D'ANNIBALLE, JR. PARTNER

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ROBERT J. D'ANNIBALLE, JR. is a partner at Pietragallo Gordon Alfano Bosick & Raspanti, LLP. He is an active member of the Commercial Litigation, Employment & Labor, Employee Benefits, Compliance & Litigation, Wealth Preservation & Succession Planning and Professional Liability Practice Groups.

Mr. D'Anniballe is a seasoned commercial litigator. He has successfully handled many commercial litigation matters, labor, employment and related benefit matters, workers' compensation matters, professional liability matters as well as complex white collar crime matters.

Mr. D'Anniballe's practice focuses on corporate, complex commercial, financial, and professional liability matters. He has a national practice representing actuaries and other employee benefit professionals. His national practice also includes advising plan sponsors of pension and retirement plans on fiduciary duty matters. He has significant experience in the use of Life Insurance products in retirement, estate, employee retention, and succession plans. He is also a licensed Life Agent in several states including Florida, Illinois, Nevada, New York, Ohio, Pennsylvania, and West Virginia. Mr. D'Anniballe is recognized in the 2024 edition of *The Best Lawyers in America*[®] for his work in ERISA Litigation.

Matters representative of Mr. D'Anniballe's relevant legal experience include:

ERISA:

- Served on pension investment committee and also pension retirement committee for a pension plan holding in excess \$300 million in assets and \$600 million in benefit liability; Responsibility for investment policy development and management, asset allocation, investment decisions, handled numerous pensions, health and welfare benefit disputes, plan vendor management, benefit freeze amendments and PBGC plan termination;
- Former outside general counsel (20 years) for employee-owners of a former Fortune 400 company (the largest ESOP in the country at that time);
- Served as national counsel for defined benefit design coordinators concerning allegations of fraud and improper design and related tax matters;
- Successfully handled in excess of 200 matters throughout the country, and in the United Kingdom, involving actuarial issues, Taft Hartley plans, withdrawal liability, and underfunding issues for both corporate and public plans with alleged damages in many of these cases exceeding \$100 million. Services provided of this nature have been and are currently provided in regard to pension funding level determinations, liability valuations, valuation during due diligence associated with corporate transactions, lending activities, and other commercial undertakings;

- Successfully handled numerous benefit claim matters pre-suit, in State and Federal Courts and in arbitration;
- Handles risk management consulting and DOL audits related to 401(k) plans, nongovernmental 403(b) plans, ESOPs, and other qualified plans; and
- Achieved a PPC (Professional Plan Consultant) designation.

Labor & Employment:

- Successfully negotiated dozens of labor agreements with attendant pension, health and welfare matters in the private and public sector. Private sector negotiations involved steel, automotive, paper, beverage, and healthcare industries. Public sector agreements involved both county, municipal, and regional transit authority agreements;
- Successfully handled to resolution dozens of NLRB charges, employment discrimination complaints before state and federal regulatory agencies, including OSHA citations and FLSA complaints;
- Successfully handled hundreds of disputes and grievances through alternative dispute resolution processes, including mediation, arbitration, and Federal Special Master proceedings;
- Handled numerous judicial enforcements and appeals of arbitration decisions; and
- Litigated numerous employment-related matters in State and Federal Courts, including employment discrimination, equal pay, retaliatory discharge, Uniformed Services Employment and Reemployment Act (USERRA), Age Discrimination in Employment Act (ADEA), and Americans with Disabilities Act (ADA).

Workers Compensation:

- Successfully handled numerous workers' compensation matters before administrative agencies and various courts throughout Ohio and West Virginia; and
- Represented numerous Federal Employers' Liability Act (FELA) and Coal Miner/Black Lung claims.

Directors and Officers:

- Serves as Board of Advisors Member of Franciscan University;
- Serves as a Member of the International Foundation of Employee Benefit Plans;
- Served as Board of Directors Member of the Jefferson County, Ohio Port Authority;
- Served as a Member of the Board for the Trinity Health System Foundation;
- Served as a Commission Member and Vice Chair of the City of Steubenville Civil Service;
- Previously appointed by Governor Taft to the Advisory Board on Amusement Ride Safety as an Insurance Industry Representative;
- Served as a Member of the Board of Directors of a publicly-traded NYSE and Employee-Owned Company (Weirton Steel Corporation) for 15 years;
- Served as a Member of the Auditing Committee for 15 years and chaired the Corporate Responsibility Committee for 3 years of Weirton Steel Corporation; and
- Significant experience in corporate governance, D&O, financial disclosure, and other related matters.

Publications

"ERISA: A Journey from a Promise of Protection to a Retirement Crisis," Blog Post, June 2022.

"5 Lessons Learned from 412(i) Litigation," *Plan Consultant Magazine*, Winter 2021.

"10 Terrifying Questions for 401(k) Plan Sponsors," *401(k) Specialist Magazine*, September 2015.

Speaking Engagements

"The New Fiduciary Rules: Practical Steps for the Employer." Pittsburgh, PA, November 3, 2016

Bar Admissions

Ohio

West Virginia

U.S. Supreme Court

U.S. Court of Appeals for the Fourth Circuit

U.S. Court of Appeals for the Fifth Circuit

U.S. Court of Appeals for the Sixth Circuit

U.S. District Court - Northern District of Ohio

U.S. District Court - Southern District of Ohio

U.S. District Court - Northern District of West Virginia

U.S. District Court - Southern District of West Virginia

U.S. Tax Court