

Courts Continue to Apply Presumption of Prudence While Awaiting the USSC's Views

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As the employee benefits world awaits the U.S. Supreme Court's decision in *Dudenhoeffer v. Fifth Third Bancorp*, two federal courts recently dismissed employer stock-drop cases brought under ERISA on the ground that plaintiffs failed to overcome the presumption that a fiduciary's decision to remain invested in employer stock was prudent. See *Smith v. Delta Air Lines*, 2014 U.S. App. LEXIS 7209 (11th Cir. Apr. 17, 2014); *Pfeil v. State St. Bank & Trust Co.*, 2014 U.S. Dist. LEXIS 50227 (E.D. Mich. Apr. 11, 2014) (on remand)... [Continue Reading](#)