

Contact

Anthony S. Cacace

Partner

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Anthony S. Cacace is a partner in Proskauer's Labor & Employment Law Department and a member of the Compensation & Benefits Group. Anthony serves as legal counsel to the boards of trustees and other fiduciaries of Taft-Hartley multiemployer pension and welfare benefit plans subject to ERISA in a variety of industries. These include construction, transportation, private sanitation, trucking, industrial, media, food service, health care and maritime.

Anthony provides strategic and practical advice to his clients on all issues confronting multiemployer plans and their boards, including fiduciary compliance, governance, plan investments, cybersecurity, defined benefit pension plan funding, fund mergers, service provider arrangements, prohibited transactions and the exemptions thereto, special financial assistance, plan drafting, participant claim administration, welfare plan regulations, submission of corrective applications with the IRS and DOL, among others. Anthony is frequently called upon by those in the multiemployer plan community to advise on – and ultimately resolve – complicated and nuanced problems that often involve many stakeholders and material financial consequences.

Anthony's practice is unique because of his background in ERISA litigation. He advises trustees and fiduciaries from a litigation avoidance perspective, solving

problems and rendering advice in risk exposure situations before they evolve into disputes or litigations. His litigation experience, when combined with the depth of his fiduciary counseling practice, makes him especially effective when representing trustees and fiduciaries during investigations and audits conducted by governmental agencies (including the U.S. DOL, U.S. DOJ and the IRS).

Anthony also has experience counseling his multiemployer pension fund clients in all matters pertaining to withdrawal liability, including the establishment of withdrawal liability procedures and the maintenance of an effective withdrawal liability program. If adversity arises, Anthony represents his fund clients in disputes relating to the assessment and collection of withdrawal liability, from responding to withdrawn employer requests for review of withdrawal liability assessments, to the statutorily mandated arbitration of withdrawal liability claims, and then the enforcement of arbitration awards in federal district court.

Anthony has quickly developed into an industry leader when it comes to the legal representation of multiemployer funds. Anthony is a member of the Professionals Committee of the International Foundation of Employee Benefit Plans and a frequent lecturer for the industry's leading organizations, including:

- The National Coordinating Committee for Multiemployer Plans
- The National Labor Management Committee
- The International Foundation of Employee Benefit Plans
- The American Bar Association, Employee Benefits Committee

Anthony is also an accomplished author on issues confronting trustees of multiemployer funds. He has authored several articles featured in *Bloomberg Law Reports and Benefits Magazine* and serves as a chapter editor of the withdrawal liability section of the American Bar Association's published *Employee Benefits Law* treatise.

Matters

Representative Matters:

- Successfully represented the **Trustees of the IAM National Pension Fund** in The US Court of Appeals for the D.C. Circuit which ruled that the pension fund was free to use actuarial assumptions adopted after the plan year end measurement date.
- Obtained an approximately $13 million judgment in favor of our client– against a contributing employer that had withdrawn from the Fund, several affiliated companies and its owners.
- Obtained a significant arbitration award preserving the client's rights to collect over $51 million in withdrawal liability, upholding their actuarial discount rate methodology.
- Secured the dismissal of a lawsuit seeking benefits under the employee welfare and pension plans administered by our clients, the **Board of Trustees of the Employee Benefit Funds of Heat & Frost Insulators Local 12.**
- Advised the **Trustees of the IBT Local 812 Retirement Fund** on restructuring and funding of its pension plan and securing PBGC approval for an alternative withdrawal liability calculation.
- Secured affirmation from the Second Circuit of the dismissal of a lawsuit seeking benefits under employee welfare and pension plans, upholding the Trustees' interpretation of Plan documents.

Practices

Labor Management Relations, Compensation & Benefits, ERISA Litigation

Education

Brooklyn Law School, J.D.
Brooklyn Moot Court Honor Society, Trial Advocacy Part Order of the Barristers Award
Member, *Journal of Law and Policy*
Lafayette College, B.A.
magna cum laude

Admissions & Qualifications

New York

Court Admissions

U.S. Court of Appeals, Second Circuit

U.S. District Court, New York, Eastern District

U.S. District Court, New York, Northern District

U.S. District Court, New York, Southern District

Memberships

American Bar Association

New York State Bar Association

Awards & Recognition

The Legal 500 United States: Labor & Employment: Employee Benefits, Executive Compensation and Retirement Plans: Design 2019-2022, 2025