



Caroline Turner English

PARTNER

Caroline is a nationally recognized commercial litigator and regarded as one of the best in the country when it comes to litigating in the fields of ERISA and bankruptcy.



Industries

Health Care

Practices

Bankruptcy & Financial Restructuring

Complex Litigation

ERISA

Labor & Employment

Education

The George Washington University Law School JD, high honors, Order of the Coif, 1996

Denison University BA, magna cum laude, 1992

Offices

Washington, DC

Phone

202.857.6178

Email

caroline.english@arentfox.com

As the leader of the firm's **ERISA and Managed Care Litigation** practice team, the bulk of Caroline's practice is concentrated in the managed care area, where she regularly handles disputes that arise between health care providers and health plans or insurers. Her forte lies in complex multi-party commercial disputes, and she has substantial experience with class actions.

As a senior litigator with over 20 years of experience, Caroline often appears before state and federal courts across the country in both trial and appellate matters. She is recognized by *Chambers USA* and *Legal 500 US* in the fields of ERISA litigation, and is part of a group rated by *US News* as one of the best ERISA litigation practices in the country.

Caroline serves as a member of Arent Fox's Executive Committee.

Client Work

Caroline has a robust litigation practice and heads our **ERISA and Managed Care Litigation** practice team.

Caroline boasts an impressive resume of legal counseling and litigation. She litigates traditional ERISA fiduciary and benefits cases, as well as managed care disputes arising under both federal and state laws. Caroline handles administrative appeals and litigation concerning both pension plans and health and welfare plans. She represents a variety of parties, including medical service providers, major employers, and fiduciaries. With respect to managed care litigation and health and welfare benefits, Caroline provides advice and counseling as well as litigation services with respect to commercial payer disputes and a myriad of issues that arise for medical providers and group health plans under ERISA, the ACA, COBRA, FEHB, the Medicare Secondary Payer Act, and various state laws. Cases that she has handled involving pension plans range from defending challenges to cash balance plans to "stock drop" cases and other claims for breach of fiduciary duty concerning 401(k) plans and ESOPs. Caroline's work has also extended to include DOL investigations and handling inquiries from the IRS.

Additionally, Caroline has prominent experience in bankruptcy litigation, including the representation of a nationally renowned company that insured hundreds of millions of dollars of Detroit's municipal bonds in connection with the city's \$18 billion Chapter 9 bankruptcy — the largest municipal bankruptcy in history. Her trial work in Detroit was featured in national publications, including *CNN*, *The Wall Street Journal*, and *The New York Times*. Caroline's work in the bankruptcy area has also included representation of the Official Committee of Retired Employees in the *Kodak* bankruptcy, a group of auto dealerships in the *Chrysler* bankruptcy, and an indenture trustee and majority bondholder in the *United Air Lines* bankruptcy. She has litigated numerous adversary proceedings in bankruptcy court and has represented debtors, creditors, and official committees of unsecured creditors concerning issues such as challenges to pre-petition liens, preference actions, executory contract rejection, assumption, and assignment, asset sales, and challenges to debtor-in-possession financing. Given Caroline's extensive work in benefits litigation, she also has a unique familiarity with the overlap of benefits issues and bankruptcy law.

Caroline's experience has covered a large variety of clientele and substantive areas of the law in addition to those described above. She has represented both large and small businesses, as well as individuals. Finally, Caroline has represented indigent clients and nonprofit entities in a plethora of cases she has handled pro bono, including two death penalty cases.

Reported Decisions

The following is a representative list of several reported cases that Caroline has worked on:

Affordable Care Act

- *Fresenius Medical Care Midwest Dialysis LLC v. Humana Insurance Company*, 2017 WL 3887899 (E.D.Wis.)

Bankruptcy

- *In re Universal Bldg. Products*, 486 B.R. 650 (Bkrcty.D.Del.)
- *In re Kirk Corp.*, 2010 WL 3523079 (Bkrcty.N.D.Ill.)
- *In re First Republic Group Realty, LLC.*, 421 B.R. 659 (Bkrcty.S.D.N.Y.)
- *In re UAL Corp.*, 346 B.R. 456 (Bkrcty.N.D.Ill.)
- *In re Old Carco LLC*, 406 B.R. 180 (Bankr. S.D.N.Y. 2009)
- *In re Chrysler LLC*, 405 B.R. 84 (Bankr. S.D.N.Y. 2009)
- *In re City of Detroit, Michigan*

Criminal

- *Hyde v. State*, 950 So.2d 344 (Ala.Crim.App.)
- *Hyde v. State*, 894 So.2d 808 (Ala.Crim.App.)
- *Scandinavian Satellite System, AS v. Prime TV Ltd.*, 291 F.3d 839 (C.A.D.C.)
- *S.E.C. v. Bilzerian*, 2001 WL 1801158 (D.D.C.)

ERISA

- *Wright v. Harrison*, 2013 WL 12116326 (W.D.Tex.)
- *Fisher v. JP Morgan Chase & Co.*, 469 Fed.Appx. 57 (C.A.2 (N.Y.))
- *Mugnai v. Kirk Corp.*, 843 F.Supp.2d 858 (N.D.Ill.)
- *Gearren v. The McGraw-Hill Companies, Inc.*, 660 F.3d 605 (C.A.2 (N.Y.))

- In re Kirk Corp.*, 2010 WL 3523079 (Bkrtcy.N.D.Ill.)
- *Walker v. Monsanto Co. Pension Plan*, 636 F.Supp.2d 774 (S.D.Ill.)
 - *Bunch v. W.R. Grace & Co.*, 555 F.3d 1 (C.A.1 (Mass.))
 - *Evans v. Akers*, 534 F.3d 65 (C.A.1 (Mass.))
 - *In re Mutual Funds Investment Litigation*, 529 F.3d 207 (C.A.4 (Md.)) (amicus brief)
 - *Walker v. Monsanto Co. Pension Plan*, 252 F.R.D. 450 (S.D.Ill.)
 - *Bunch v. W.R. Grace & Co.*, 532 F.Supp.2d 283 (D.Mass.)
 - *Walker v. Monsanto Co. Pension Plan*, 2007 WL 2710481 (S.D.Ill.)
 - *Walker v. Monsanto Co. Pension Plan*, 2007 WL 2481179 (S.D.Ill.)
 - *Evans v. Akers*, 466 F.Supp.2d 371 (D.Mass.)
 - *Walker v. Monsanto Co. Pension Plan*, 472 F.Supp.2d 1053 (S.D.Ill.)
 - *Walker v. Monsanto Co. Pension Plan*, 2006 WL 2802051 (S.D.Ill.)

Insurance

- *Farkas v. National Union Fire Ins. Co. of Pittsburgh, PA*, 518 Fed.Appx. 178 (C.A.4 (Va.))
- *Farkas v. National Union Fire Ins. Co. of Pittsburgh, PA*, 861 F.Supp.2d 716 (E.D.Va.)
- *Farkas v. National Union Fire Ins., Co. of Pittsburgh, Pa.*, 2011 WL 2838167 (E.D.Va.)
- *Seabulk Offshore, Ltd. v. American Home Assur. Co.*, 377 F.3d 408 (C.A.4 (Va.))

Managed Care

- *KDCO, Inc. v. Healthlink, Inc.*, 2016 WL 6995873 (E.D.Mo.)

Medicare Secondary Payer Act

- *U.S. v. Stricker*, 524 Fed.Appx. 500 (C.A.11 (Ala.))
- *U.S. v. Stricker*, 2010 WL 6599489 (N.D.Ala.)

Municipal Law

- *Shook v. District of Columbia Financial Responsibility and Management Assistance Authority*, 964 F.Supp. 416 (D.D.C.)

RICO, Health

- *Pravak v. Meyer Eye Group, PLC*, 2009 WL 10664851 (W.D.Tenn.)
- *Pravak v. Meyer Eye Group, PLC*, 2008 WL 11320042 (W.D.Tenn.)
- *Pravak v. The Meyer Eye Group, PLC*, 2008 WL 4372914 (W.D.Tenn.)
- *Pravak v. Meyer Eye Group, PLC*, 2008 WL 11320041 (W.D.Tenn.)
- *Pravak v. Meyer Eye Group, PLC*, 2008 WL 2951101 (W.D.Tenn.)

Professional Activities

Caroline has served as an adjunct professor teaching legal writing at George Washington University.

Publications, Presentations & Recognitions

In 2015, Caroline presented at the Turnaround Management Association's (TMA) TMA NOW summit in New York City. She joined a panel of industry leaders entitled "The Women of Detroit," specifically presenting on the Detroit bankruptcy case.

In 2012 and 2013, Caroline joined a panel of seasoned legal speakers addressing ERISA litigation for the American Conference Institute in New York. Caroline has spoken on ERISA topics, including fiduciary liability issues, statutory penalties, and ethical issues, at numerous conferences prior to and since the ACI engagements as well.

In August 2011, Caroline's article titled "The Supreme Court's *Cigna v. Amara* Decision: Surprises and Curiosities" was published in the *BNA Tax Management Compensation Planning Journal*.

In 2004, Caroline was awarded the Albert E. Arent Pro Bono Award for Outstanding Contributions to the Public Interest in recognition of her long-standing commitment to pro bono work.

During law school, Caroline was a member of the George Washington Law Review, and her article on mediator immunity was published in the DC Circuit Review and subsequently cited in *State v. Second Judicial District Court ex. rel. County of Washoe*, 55 P.3d 420 (Nev. 2002).

Bar Admissions

District of Columbia

Virginia

Court Admissions

US Court of Federal Claims

US Court of Appeals, 1st Circuit

US Court of Appeals, 4th Circuit

US District Court, District of Columbia

US District Court, Eastern District of Michigan