



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 Employee Benefits & Executive Compensation 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, health care and maritime.

Anthony's representation of trustees and other fiduciaries ranges from counseling on the day-to-day operations of multiemployer funds, including:

- drafting plan documents, amendments and procedures;
- negotiating and drafting fund service provider agreements;
- counseling with respect to participant claims; and
- providing legal advice with respect to requirements of ERISA and the IRC.

His practice also includes more complex and high stakes scenarios, such as:

- advising on fund mergers;
- advising on fund acquisitions of real property;

- drafting and submitting corrective applications to the IRS; and
- counseling fiduciaries in investigations and audits by governmental agencies (including the U.S. DOL, U.S. DOJ and the IRS).

Anthony's practice is unique because of his specialization 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. A skilled litigator, he often defends trustees and fiduciaries in lawsuits brought pursuant to ERISA, alleging claims for breaches of fiduciary duty, benefit claim denials, plan investment losses and improper plan amendments. In addition, he regularly represents his fund clients as plaintiffs in court, seeking to collect withdrawal liability and delinquent contributions from contributing employers.

Anthony is an accomplished author and speaker on issues confronting trustees of multiemployer funds. He has authored several articles featured in *Bloomberg Law Reports and Benefits Magazine*, and also serves as a chapter editor of the withdrawal liability section of the American Bar Association's *Employee Benefits Law* treatise published by BNA. Anthony is routinely invited to speak at International Foundation of Employee Benefit Plans conferences and the ABA Employee Benefits Committee mid-winter meetings.

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#### Practices

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Labor Management Relations, Wage and Hour, Employee Benefits & Executive Compensation, ERISA Litigation

#### Education

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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

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New York

#### Court Admissions

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U.S. Court of Appeals, Second Circuit

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

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

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

#### Memberships

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American Bar Association

New York State Bar Association

Brooklyn Bar Association

#### Awards & Recognition

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