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ERISA: Winning Early Motions to Dismiss Breach of Fiduciary Claims — the Ministerial Defense

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Plaintiffs in ERISA employee benefit cases are frequently asserting breach of fiduciary duty claims, and then seeking broader discovery. So, consider early motions to dismiss the breach of fiduciary duty claims. One argument to use in seeking early dismissal of breach of fiduciary duty claims is the ministerial defense: That is because "[a] person who...