



Lira A. Johnson

Partner
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Lira provides legal solutions for business questions about employees, benefits, human resource management, employment-related administrative proceedings, and employment litigation. She began her law practice in Detroit, where she represented manufacturers and construction companies in negotiating collective bargaining agreements, conducting grievance hearings, participating in binding arbitration of employee discipline and termination disputes, and defends against allegations of unfair labor practices before the National Labor Relations Board. Lira maintains law licenses in the heavily-unionized states of Michigan and Wisconsin, along with her practice in Kentucky.

She represents unionized and union-free employers, including federal contractors, financial service providers, health care providers, manufacturers, and non-profit companies. She advises these clients on employer-sponsored health and welfare benefits, and defends employers in administrative proceedings with the Department of Labor (DOL), the Equal Employment Opportunity Commission (EEOC), the Office of Federal Contract Compliance (OFCCP), and similar state-based agencies. She also frequently represents employers in litigation involving claims of discrimination, retaliation, non-compete agreements, and wages.

Services

- Employment
- Labor
- Compensation & Benefits
- Affirmative Action Plans/OFCCP Compliance
- Audits, Counseling & Training
- Collective Bargaining Negotiations
- Employment Discrimination Litigation
- ERISA Litigation & Administrative Proceedings
- Health Care Industry

- Health & Welfare Benefits
- Labor Arbitrations
- Retirement Plan Documents
- Strike Preparation/Litigation
- Wage/Hour Law
- Wrongful Discharge

Education

- Indiana University Maurer School of Law (J.D., 1993)
 - Indiana Journal of Global Legal Studies, managing editor
 - ABA Moot Court
- Indiana University (B.S., 1990)

Bar Admissions

- Kentucky
- Michigan
- Wisconsin

Court Admissions

- U.S. Supreme Court
- U.S. Court of Appeals for the Sixth Circuit
- U.S. District Court for the Eastern District of Kentucky
- U.S. District Court for the Western District of Kentucky
- U.S. District Court for the Eastern District of Michigan
- U.S. District Court for the Western District of Michigan
- U.S. District Court for the Eastern District of Wisconsin

Affiliations/Memberships

- American Bar Association
- Society for Human Resource Management
- Louisville Bar Association
- Louisville Employee Benefits Council

Languages

- French

Experience

Appellate Experience

Lira has served as special counsel for amicus curiae, Michigan Manufacturers' Association and National Association of Manufacturers, on employment and employee benefit issues. Representative cases include:

1) *Nord v. The Black & Decker Disability Plan*, 538 U.S. 822 (2003): Employee sued employer-sponsored disability plan alleging that the plan wrongfully denied his claim for benefits by failing to give proper weight to his treating physician's opinion. The Court of Appeals for the Ninth Circuit agreed, and the United States Supreme Court granted certiorari to determine whether ERISA's requirement for a full and fair consideration of the employee's claim included giving deference to the treating physician's opinion. The Court held in favor of the benefit plan and reversed the Ninth Circuit's ruling, a position advocated by the National Association of Manufacturers' amicus brief.

2) *Chambers v. Tretco*, 463 Mich. 297, 614 N.W.2d 910 (2000): Employee sued employer under Michigan's Civil Rights Act alleging sexual harassment by a supervisory employee. The employer argued that it was not vicariously liable under the Michigan Civil Rights Act, citing key differences in the Michigan statute and Title VII. The Michigan Court of Appeals applied an analysis consistent with Title VII and held the employer liable. The Michigan Supreme Court reversed, following position advocated by the Michigan Manufacturers' Association's amicus brief, relying on differences in the text of the state law to hold that the principles stated in the federal civil rights cases did not control.

3) *Sniecinski v. Blue Cross & Blue Shield of Michigan*, 469 Mich. 124, 666 N.W.2d 186 (2002): Employee sued employer under Michigan's Civil Rights Act alleging pregnancy discrimination. The trial court denied the employer's motion for summary disposition and the matter was tried to a jury, which found in favor of the employee. The Court of Appeals affirmed. The Michigan Supreme Court granted leave to appeal and reversed and remanded, following position advocated by the Michigan Manufacturers' Association's amicus, with direction to enter a finding of no cause of action as a matter of law.

Lira has also represented appellants in federal and state courts. Representative cases include:

4) *Taunt v. General Retirement Sys. of the City of Detroit (In Re: Wilcox)*, 233 F.3d 899 (6th Cir. 2000), cert. denied, 533 U.S. 929 (June 2001): Bankruptcy trustee sought access to debtor's retirement benefits on behalf of creditors, and debtor's municipal retirement plan sought to protect the benefits under 11 U.S.C. § 541(c)(2). The bankruptcy court held that the plan's anti-assignment provision was not enforceable under § 541(c)(2), and the district court agreed. The Court of Appeals reversed, holding that the anti-assignment provision satisfied § 541(c)(2) and that the benefits could not be reached by creditors.

5) *Preston v. John Alden Life Ins. Co., et al.*, 2006 U.S. Dist. LEXIS 48260 (S. Dist. Ohio 2006): Former

employee sued his employer and insurance company administrating the employer's disability benefit plan, contending that he was wrongfully denied benefits. The insurer and employer moved for judgment as a matter of law on the basis that ERISA preempted the employee's claims and that the employee failed to state an actionable claim. The court ruled in favor of defendants and granted summary judgment.

6) *Prudential Property and Casualty Ins. v. Delfield Co. Group Health Plan*, 1999 U.S. App. LEXIS 18708 (Sixth Circuit 1999): Plaintiff insurance carrier sued defendant self-funded employee benefit plan, contending that the employee benefit plan was primarily responsible for medical expenses incurred by its insured in an automobile accident. The employee benefit plan sought to require the insurer to pursue its claim administratively before resorting to litigation. The district court ruled in favor of the benefits plan, but the appeals court reversed on the basis that it was bound to follow a prior panel's ruling and allow litigation, although the concurrence pointed out that the prior ruling was inconsistent with subsequent case law.

7) *Alstork v. AIG Life Ins. Co. et al.*, United States Court of Appeals for the Sixth Circuit, Case No. 08-4339 (2008): Plaintiff beneficiary of employee's life insurance policy sued defendant employer, employee benefit plan, and insurer, contending that Plaintiff should have been paid accidental death benefits when employee died following an automobile accident. Defendants denied benefits based on the terms of the benefit plan and results of post-accident medical review. The United States District Court for the Southern District of Ohio upheld denial of benefits, and Plaintiff appealed. Case successfully settled on appeal.

8) *Hodges v. American Heritage Life Ins. Co.*, United States Court of Appeals for the Sixth Circuit, Case No. 08-5777 (2008) (pending): Plaintiff former employee sued defendant employer, employee benefit plan, and insurer, contending that Plaintiff should have been paid disability benefits for chronic condition characterized by subjective complaints of pain. Defendants denied benefits based on the terms of the benefit plan and results of independent medical reviews. The United States District Court for the Western District of Kentucky upheld denial of benefits, and Plaintiff appealed. Case is pending.

Business Dispute Involving Wrongful Interference With A Contract

In this business dispute, a beverage distributor sued a beverage company for breach of contract and a competing beverage distributor for wrongful interference with the contract. The plaintiff distributor claimed \$14 million in damages. We defended the competing beverage distributor that was accused of wrongful interference, and we obtained a complete victory for our client. The Court dismissed the plaintiff's claims, finding that there was no evidence of wrongdoing by our client.

Litigation

1) *Perez v. United Airlines, Inc.*, 1999 U.S. Dist. LEXIS 17987 (E. Dist. Mich. 1999): Discharged employee sued his former employer alleging that he was terminated because of his race in violation of Title VII and 42 U.S.C. § 1981. Employer moved for summary judgment on the basis that the plaintiff failed to

establish a prima facie case under Title VII or 42 U.S.C. § 1983. The district court granted the motion and dismissed the case.

2) *Williams v. Large National Insurance Company*, Court of Common Pleas, Franklin County, Ohio, Case No. 03-CVH 12-14029 (2005): Discharged employee sued her former employer alleging that she was terminated in retaliation for complaining of religious discrimination and/or because of her race. Case settled.

3) *Rexroat v. Winn Dixie, Inc.*, Jefferson Circuit Court, Louisville, Kentucky, Case No. 3-CI-08182 (2004): Discharged employee sued her former employer alleging that she was terminated because of disability, in violation of Kentucky Civil Rights Act. Case settled.

4) *Joyce Smithson v. Jewish Hospital Healthcare Services, Inc.*, Jefferson Circuit Court, Jefferson Circuit Court, Louisville, Kentucky, Case No. 04CI00762 (2005): Discharged employee sued her former employer alleging that she was terminated because of her age and in retaliation for exercising her civil rights, in violation of the Kentucky Civil Rights Act. Case settled in private mediation.

5) *Mahoney v. Akebono, et al.*, Hardin Circuit Court, Kentucky, Case No. 04-CI-01424 (2007): Discharged executive employee sued his former employer and individual corporate officers alleging that he was wrongfully discharged in retaliation for threatening to report violations of federal anti-trust law and/or as part of a conspiracy to violate anti-trust law. Case involved complex questions of first impression in Kentucky. Case settled after two days of private mediation.

Trial Court Decisions

1) *Graf v. DaimlerChrysler*, 190 F. Supp. 2d 1002 (W. Dist. Mich. 2002): Plaintiff sued his former employer seeking payment of his employer-sponsored disability benefits. The defendant employer benefit plan administrator moved for summary judgment on the basis that the claims were preempted under ERISA and that plaintiff failed to state an actionable claim. The district court granted the defendant's motion and dismissed the case.

2) *The Retirement Committee of the Rouge Steel Tax Efficient Savings Plan for Hourly Employees v. Cortese, et al.*, 2000 U.S. Dist. LEXIS 17190 (E. Dist. Mich. 2000): Employer-sponsored pension plan filed suit seeking a declaration that under the terms of the plan, the former plan participant's mother was the proper beneficiary of his plan benefits. The district court agreed with the pension plan's interpretation of its provisions and granted judgment in favor of the mother.

3) *Stallard et al. v. Ceridian Benefit Services, Inc. et al.*, United States District Court for the Eastern District of Kentucky, Case No. 05-6667 (2006): Counsel to third-party administrator, Ceridian Benefit Services, Inc. in action brought by former employees and participants in company-sponsored group health plans alleging violations of ERISA and continuation benefits under the Consolidated Omnibus Budget Reconciliation Act of 1985 ("COBRA"). Case settled successfully after the court ruled for Defendants on several key legal issues. (2006)

4) *Fallin, et al. v. Commonwealth Indus. Cash Balance Plan, et al.*, United States District Court for the Western District of Kentucky, 521 F. Supp. 2d 592 (W.D. Ky. 2007): Plaintiffs, a large group of former employees, sued defendant employer and employee benefit plan, alleging that plan amendments converting the plan to a cash balance plan violated the law and that they had not received appropriate benefits. Defendants asserted that plaintiffs' claims were barred by the statute of limitations, and the United States District Court for the Western District of Kentucky agreed, dismissing almost all claims as time-barred. The Court then considered the merits of the claim and granted summary judgment to Defendants.

5) *Collins v. Commonwealth Indus., et al.*, United States District Court for the Western District of Kentucky, Case No. 3:07-cv-57 (2008)(pending): Plaintiffs, a large group of former employees, sued defendant employer, employee benefit plan, and plan fiduciaries, contending that they were wrongfully denied access to benefit plan documents. Defendants moved for summary judgment, arguing that Plaintiffs were not entitled to the plan documents in question, that Plaintiffs were not wrongfully denied access, and that Plaintiffs suffered no legal damages. Case is pending.

Publications

August 22, 2024

Texas Court Revives Viability of Healthcare Non-Competes

July 26, 2024

Pennsylvania Court Rules Non-Compete Ban Can Stand

July 9, 2024

Court Blocks FTC's Non-Compete Rule for Plaintiffs

December 20, 2021

OSHA COVID-19 Vaccine Mandate is Back Following Sixth Circuit Decision

December 22, 2020

FFCRA Paid Leave Requirements Not Extended; Tax Credits and Employer Aid is Extended

June 29, 2020

COVID-19: Recommended Employer Response to CDC's Revised Guidance on High-Risk Employees

April 27, 2020

Governmental Oversight and CARES Act Funds: Recent Treasury Department Guidance

April 27, 2020

CDC Adds New Symptoms for COVID-19 Screening – Employers Must Adjust Accordingly

March 18, 2020

Summary of Amendments to the Families First Coronavirus Response Act on Paid Leave and Health Care

March 16, 2020

Families First Coronavirus Response Act: What Businesses & Employers Need to Know

March 15, 2020

Just Breaking: A Preliminary Report for Employers on the Coronavirus House Bill

What You Should Know About the Families First Coronavirus Response Act

March 13, 2020

COVID-19 Declared a Pandemic and New Travel Restrictions Announced: What Employers Need to Know Now