FENNEMORE.



RYAN C. CURTIS

Director

ERISA

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"The one thing that doesn't abide by majority rule is a person's conscience."
-Atticus Finch, To Kill a Mockingbird

RYAN C. CURTIS

Ryan Curtis is chair of our ERISA (Employee Retirement Income Security Act of 1974) and employee benefits practice group. In order to attract and retain quality people, employers must offer competitive benefits packages. Providing healthcare and retirement benefits can also increase employee loyalty and productivity. As a sought-after ERISA lawyer, Ryan takes great pride in tackling significant problems and developing solutions for his clients that will ensure their businesses comply with complex regulations.

Ryan and his team focus on counseling employers with the administration of their benefit plans, as well as helping trustees and administrators comply with important federal laws, including ERISA, the Affordable Care Act, COBRA, and HIPAA. He reviews and consults on a variety of qualified plan issues, including drafting, revising, and terminating 401(k) plans, profit sharing plans, ESOPs, and pension plans. He guides clients through IRS audits and U.S. Department of Labor investigations. As a litigator, he has defended plans in benefit disputes, pursued plan participants who improperly received and retained benefits, and held investment managers accountable who engaged in prohibited transactions and breached their fiduciary duty. Ryan also helps employers that have obligations to Taft-Hartley multiemployer plans navigate through issues related to benefit trust fund contributions and withdrawal liability. He works closely with the firm's business and finance practice group in performing benefit plan due diligence work in mergers and acquisitions.

Ryan is a member of the IRS Pacific Coast TE/GE Council, which is composed of private practitioners and serves as a sounding board to the IRS on matters related to retirement policy, tax issues, procedures, and IRS enforcement initiatives affecting employee benefits. Ryan also serves on the Board of Directors for the Greater Phoenix Chamber of Commerce and currently serves as its general counsel. Prior to his legal career, Ryan was a senior legislative analyst and performance auditor with the Arizona Office of the Auditor General. While there, he oversaw several audits of state agencies including Arizona's Medicaid program.

Outside of the office, Ryan plays golf and tennis and enjoys Arizona's outdoor opportunities including hiking, fishing, and exploring offroad trails. Married and the father of three children, some of his best memories are of his kids' music, drama, and sporting events.

EDUCATION

J.D., University of Wyoming College of Law

M.A., Political Science, University of Utah

B.A., Political Science, Arizona State University

Managing Editor, *Wyoming Law Review,* University of Wyoming College of Law

AREAS OF PRACTICE

OTHER EXPERIENCE

Retirement Plans

Health Care Plans

Multiemployer Plan Withdrawal Liability

ERISA

Labor & Employment

Health Care

Education

REPRESENTATIVE MATTERS

Defended Walker Specialty Construction against more than $5 million in withdrawal liability payments related to its cessation of work within a union pension plan's jurisdiction. As a result of a unanimous win in the Ninth Circuit Court of Appeals, Walker had no withdrawal liability and received reimbursement for the payments it made during the litigation, plus interest.

Defended plan sponsor in lengthy Department of Labor investigation of a terminated ESOP and the related transactions and negotiated a significantly reduced penalty.

Successfully defended a large governmental retirement plan before the Arizona Supreme Court defeating a claim by a plan participant seeking retroactive retirement benefits based on the date the participant first became eligible rather than when the participant applied for benefits as required under Arizona law.

Defended large charter school organization in lengthy and complex investigation of its health plan by the Department of Labor. The investigation closed with no negative findings.

Defended plan sponsor in lengthy Department of Labor investigation involving $9 million in alleged plan losses and other restitution and negotiated a resolution for just 3% of what Department originally sought.

Defended health insurance carrier involved in a Department of Labor investigation of a multiemployer health plan the carrier insured. The investigation focused on processes the carrier administered but closed with no findings against the carrier.

Obtained judgment against a company created to avoid multiemployer benefit trust fund obligations owed by a prior alter ego company.

Obtained judgment against individual owners of a company for fiduciary liability tied to the company's failure to make all contributions to multiemployer benefit trust funds.

Assisted in obtaining judgment against pension plan's investment manager and investment consultant for overcharging commissions and engaging in prohibited transactions.

Assisted numerous employee benefit plans during IRS and Department of Labor audits.

AWARDS AND HONORS

Best Lawyers in America®, Employee Benefits (ERISA) Law, 2027

Distinguished Legal Writing Award, Law360, 2024

Chambers USA, Leading Lawyers for Business, 2021-2024

Chambers USA, Employee Benefits & Executive Compensation: Arizona, 2026

ARTICLES AND PRESENTATIONS

Co-Author, "IRS Updates Retirement Plan Correction Procedures," Fennemore Blog, October 27, 2026

Co-Author, "Treasury Issues Temporary Regulations on Trump Accounts and Contributions," Fennemore Blog, October 7, 2026

Speaker, "Washington Update and SECURE Act 3.0," Western Pension & Benefits Council Phoenix Chapter, Spring Conference, May 14, 2025

Co-Author, "Supreme Court Makes It Easier For Plaintiffs To Sue Plan Fiduciaries," Fennemore Blog, April 21, 2025

Author, Justices Likely To Stay In ERISA's Bounds On Pleadings, Law360, February 12, 2025

Co-Author, "Buying or Selling a Business? Look Out for Employee Benefits Issues!," Greater Phoenix InBusiness Magazine, November 1, 2024

Co-Author, "Consider 10 Benefit Questions Before that Merger or Acquisition Occurs," World at Work, September 9, 2024

Co-Author, "Buying or selling a business? Watch for these employee benefits issues," AZ Big Media, August 27, 2024

Co-Author, Buying Or Selling A Business? Don't Forget To Look Out For These Employee Benefits Issues!, Fennemore Blog, June 26, 2024

Co-Author "New 401(k) Plan Rules Impose Mandatory Eligibility Requirements for Part-Time Employees in 2024," Fennemore Client Alert, October 5, 2023

Co-Author "Roth Catch-Up Contributions Under SECURE 2.0: The IRS Delays New Requirements to 2026," Fennemore Client Alert, September 6, 2023

Co-Author, "Health Plans Must Attest They Have No "Gag Clause" By End of 2023: It's Time To Check Your Service Provider Agreement," Fennemore Client Alert, August 24, 2023

Co-Author, "Congress Gives New and Enhanced Tools to Individuals and Employers for Retirement through SECURE Act 2.0," Arizona Attorney Magazine, April 2023

Featured, "Fennemore: Helping Businesses Thrive By Creating Possibilities," Greater Phoenix Chamber, February 2023

Interviewed, "SECURE Act 2.0 gives Arizonans new and enhanced tools for retirement," Arizona Horizon, January 24, 2023

Co-Author, "SECURE Act 2.0 gives Arizonans new and enhanced tools for retirement," *InBusiness Phoenix*, December 30, 2022

Co-Author, "SECURE Act 2.0 gives Arizonans new and enhanced tools for retirement," Arizona Digital Free Press, December 30, 2022

Co-Author, "SECURE Act 2.0 gives Arizonans new and enhanced tools for retirement," AZ Big Media, December 29, 2022

Featured, "AZ Big Spotlight: Greater Phoenix Chamber," AZ Big Media, June 26, 2022

Co-author, "The New Mandatory COBRA Subsidy: What Employers Need to Know," *InBusiness*, April 28, 2021

Co-author, "Employers Required to Temporarily Subsidize COBRA Premiums Subject to Reimbursement," Fennemore Client Alert, April 6, 2021

Co-author, "New COVID-19 Legislation Provides Partial Plan Termination Relief," *Mondaq*, January 8, 2021

Co-author, "New COVID-19 Legislation Provides Partial Plan Termination Relief," Fennemore Client Alert, January 7, 2021

Co-author, "IRS Issues Initial Guidance on The SECURE Act," Fennemore Client Alert, October 5, 2020

Co-author, "Department of Labor Announces New Safe Harbor for Electronic Communications to Participants of Qualified Retirement Plans," Fennemore Client Alert, May 22, 2020

Co-author, "DOL and IRS Issue New Coronavirus-Related Guidance and Relief for Employee Benefit Plans," Fennemore Client Alert, April 30, 2020

Co-author, "The CARES Act: Implications for Health and Welfare Benefits," Fennemore Client Alert, April 20, 2020

Co-author, "The SECURE Act: What Employers Sponsoring Retirement Plans Need to Know," *InBusiness,* April 1, 2020

Co-author, "The CARES Act: Implications for Qualified Retirement Plans," Fennemore Client Alert, March 30, 2020

Co-author, "COVID-19: Health Plan Coverage For Furloughed Employees," Fennemore Client Alert, March 26, 2020

Co-author, "Understanding the Emergency Family Medical Leave Expansion Act and Emergency Paid Sick Leave in the Families First Coronavirus Response Act," Fennemore Client Alert, March 20, 2020

Co-author, "HIPAA Implications of COVID-19," Fennemore Client Alert, March 20, 2020

Co-author, "COVID-19 Testing and Treatment: Copays, Deductibles, and HSA Complications," Fennemore Client Alert, March 19, 2020

Co-author, "The SECURE Act: What Plan Sponsors Need to Know" Fennemore Client Alert, February 7, 2020

Speaker, "Misclassification of Workers: How It Can Affect Your Benefit Plans" and "Arizona's New Mini COBRA Law: What Small Employers Must Do to Comply," Fennemore Fall Seminar, November 2018

Co-author, "Attention Arizona Small Employers: Don't Let Arizona's New Mini COBRA Law Bite You!" Fennemore Client Alert, November 2018

Co-author, "DOL's Fiduciary Rule Vacated by the Fifth Circuit: The Latest Twist in a Never-Ending Story," Fennemore Client Alert, March 2018

Speaker, "Monthly Luncheon: Washington Update 2018," Western Pension & Benefits Council Phoenix Chapter, January 11, 2018

Co-author, "Death, Taxes, and the Affordable Care Act's Individual and Employer Mandates: Taxpayers and Employers Still Have Important Obligations Under the ACA," Fennemore Client Alert, January 2018

Co-author, "QSEHRA Update: IRS Provides Promised Additional guidance for Qualified Small Employer Health Reimbursement Arrangements," Fennemore Client Alert, November 2017

Co-author, "HSAs: More Than Healthcare," InBusiness, October 2017

Co-author, "Don't Look an IRS Gift Horse in the Mouth: Two Valuable Opportunities for 403(b) Plan Sponsors in 2017," Fennemore Client Alert, August 24, 2017

Speaker, "Overview of Fiduciary Duties and Liabilities: Working with Others and Avoiding Pitfalls," 2017 Joint Spring Meeting for ABA-GPSOLO, May 19, 2017

Speaker, "Benefits Update: The Affordable Care Act Survives Again, but What is Next for Health Care Reform (and Other Employee Benefits Issues Affected by the New Administration in Washington)?" Fennemore Craig Labor & Employment Seminar, May 4, 2017

Co-author, "The Rebirth of Standalone HRAs for Employers After ACA," GLSA, April 2017

Co-author, "Filing Your 2016 Tax Return? The ACA's Individual Mandate and Penalties Still Apply," Fennemore Client Alert, March 7, 2017

Speaker, "Affordable Care Act – 2016 and Beyond!" Worldwide Employee Benefits Network, May 2016

Speaker, "What Every Professional Needs to Know About Health & Welfare Plans," Western Pension & Benefits Council Spring Conference, April 2016

PROFESSIONAL AND COMMUNITY ACTIVITIES

Member, Board of Directors, Greater Phoenix Chamber of Commerce

Member, IRS Pacific Coast TE/GE Council

Member, State Bar of Nevada

Member, Arizona Bar Association

Member, Maricopa County Bar Association

Former Member, Board of Directors, Arizona Museum of Natural History Foundation

ADMISSIONS

Arizona

Nevada

U.S. District Court, District of Arizona

U.S. District Court, District of Nevada

U.S. Court of Appeals, Ninth Circuit