

Andrew Holly

Partner

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Andrew is a seasoned trial attorney and a nationally recognized leader in ERISA litigation. He represents clients in complex ERISA, healthcare, tax, and antitrust litigation.

Andrew serves as chair of Dorsey's nationally recognized ERISA Litigation Practice Group. He has 20 years' experience representing fiduciaries, plan sponsors, and insurers/plan service providers in ERISA litigation matters. For the last five years, he has been ranked by Chambers as one of the top ERISA litigators in the United States.

Andrew has represented clients in nearly every conceivable ERISA dispute. He has represented clients in numerous cases challenging the administration of 401(k), 403(b), target date plans, and defined benefit plans. Andrew has represented fiduciaries of some of the largest private ESOP's in the country. He has represented clients in class-wide benefit disputes, challenges to pension plan investment strategies, disputes involving pension age discrimination rules, forfeited contribution cases, and actuarial equivalence matters. Likewise, he has represented group health plans and their third-party administrators against various ERISA fiduciary, prohibited transaction, and RICO claims, including cases involving challenges to "spread" pricing, challenges to health plan fees, mental health parity disputes, and disputes over the calculation of out-of-network benefits. He has successfully litigated dozens of individual claims for executive compensation, disability, health, severance, and pension benefits.

More generally, Andrew represents clients in health care/managed care disputes. He has represented medical providers and managed care entities in contract and fraud actions, bankruptcy matters, False Claims Act and Anti-Kickback Act disputes, challenges under the No Surprises Act, and antitrust lawsuits and disputes.

Andrew also represents clients in complex tax litigation in federal and state courts, administrative proceedings, and IRS audits. He has litigated multimillion dollar corporate and personal tax cases against the Internal Revenue Service as well as state and local

Education

- University of Minnesota Law School (J.D., 2000)
 - *magna cum laude*;
Order of the Coif;
Minnesota Law Review, 1998-2000;
Minnesota Intellectual Property Review, Senior Editor 1999-2000
- St. John's University (Minnesota) (B.A., Psychology, 1994)
 - *All College Honors*;
Departmental Distinction in Psychology

Bar Admissions

- Minnesota

tax authorities.

An experienced litigator, Andrew has handled numerous jury and court trials, arbitrations, regulatory matters, and other evidentiary hearings. Most recently, he concluded a two-week trial against the Internal Revenue Service over a \$100+ million theft loss deduction stemming from the Tom Petters Ponzi scheme.

Andrew is a co-chair of the Preemption Committee on the ABA Subcommittee on Employee Benefits and is a contributing author of various texts, including the ERISA Litigation treatise and the ABA Employee Benefits Law Treatise. He frequently lectures and speaks on ERISA litigation issues.

Select Experience

- Representing UnitedHealth Group in putative class action challenging use of forfeited contributions to pay for future contributions. *Kotalik v. UnitedHealth Group Inc. et. al.*, Case No. 25-1751 ECT/ECW (D. Minn).
- Representing association of medical providers in antitrust lawsuit challenging allegedly exclusive dealing contracts with insurers. *Miller et. al. v. Wellmark BCBS of Iowa, Iowa Chiropractic Physicians Clinic LC*, LACL 162489 2025 (Iowa Business Court).
- Representing fiduciaries in a dispute over the administration of the Hormel Food's 401(k) plan's investments, including its guaranteed investment contract. *Scott Payne v. Hormel Foods Corp., et al*, 24-cv-545-SRN-DTS (D. Minn.).
- Representing Medica Health Plans in lawsuit alleging ERISA and RICO claims based upon calculation of out-of-network reimbursement rates. *S.M.O. v. Mayo Clinic and MMSI d/b/a Medica Health Plan Solutions*, 24-cv-01124 JMB-JFD (D. Minn.).

Court Admissions

- U.S. Court of Appeals for the Eighth Circuit
- U.S. Court of Appeals for the Second Circuit
- U.S. Court of Appeals for the Ninth Circuit
- Central District of California
- Eastern District of Michigan
- Eastern and Western Districts of Wisconsin
- U.S. District Courts for the Districts of Minnesota, North Dakota, and Northern District of Florida
- U.S. Tax Court
- U.S. Supreme Court

Professional Affiliations

- Co-Chairperson, ABA Section of Labor and Employment, Committee on Employee Benefits, Subcommittee on Specialized Retirement Income Plans (2012-13)
- Member, ABA Section of Labor and Employment, Committee on Employee Benefits, Subcommittee on Fiduciary Responsibility (2007-2011)
- Member, Minnesota State Bar Association, Antitrust and Healthcare Sections
- Member, ESOP Association
- Member, American Health Law Association

Clerkships

- U.S. Court of Appeals for the Eighth Circuit, Chief Judge Donald Lay, 2000–2001

Accolades

- *Chambers USA*, ERISA Litigation, National, 2021-2026
- *Best Lawyers in America*®, ERISA Litigation, Minneapolis, 2026
- *Minnesota Monthly*, "Top Lawyers in Minnesota," 2024
- *Minnesota Super Lawyers*®, "Rising Stars," 2009, 2010
- MSBA, North Star Lawyer, 2015, 2017-2018

Select Presentations

- Speaker, Debriefing: The Supreme Court Arguments on Health Care Reform, Dorsey U, July 2012
- Speaker, ERISA for Investment Professionals, Dorsey U, May 22, 2012
- Speaker, Antitrust Enforcement in the Health Care Industry: Current FTC and DOJ Activities, Practicing Law Institute, Wednesday, June 13, 2012
- Speaker, Recent Trends in FTC/DOJ Enforcement in Health Care Antitrust Issues, Minnesota State Bar Association, Healthcare section, December, 2011
- Speaker, Compensation & Benefits Boot Camp for Labor & Employment Practitioners, American Conference Institute, Philadelphia, PA, January 24-25, 2011
- Speaker, Benefits and ERISA Litigation: 2010 in Review and What's Ahead in 2011, Dorsey U, January 12, 2011

Insights

November 22, 2024

Andrew Holly Comments on Recent Appeals Court Ruling in Parker-Hannifin Suit

April 12, 2023

Dorsey Partner Andrew Holly Discusses How Texas Federal Court's Decision on Mifepristone Puts Pressure on Pharmacy Benefit Managers

April 1, 2022

Delta Lands Victory Over Ex-Workers In ERISA Dispute

October 13, 2020

Biz Group Warns 9th Circ. Of 'Windfall' In Northrop ERISA Suit

March 26, 2020

ERISA Plan Investment Management in a Time of Market Disruption

March 22, 2018

Dorsey Partner Andrew Holly Comments on DOL Fiduciary Rule Being Nullified

January 24, 2018

Dorsey Partner Andrew Holly Challenges Residency Restrictions