

Asset Purchaser May Have Successor Liability for Delinquent Contributions to Multiemployer Plan

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The Third Circuit ruled that the purchaser of assets of an employer obligated to contribute to a multiemployer plan may, under certain circumstances, be held liable for the seller's delinquent contributions to that plan. According to the Court, successor liability may exist where the purchaser had notice of the liability prior to the sale and there exists sufficient evidence of continuity of operations between the purchaser and seller. *Einhorn v. M.L. Ruberton Construction Co.*, No. 09-4204 (3rd Cir. Jan. 21, 2011).