# Reminder About Voluntary Benefits Programs

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We previously reported on four ERISA lawsuits that were filed by a large plaintiff's firm against employer-sponsors of voluntary benefits programs in December 2025 (here). Since that report, a fifth lawsuit has been filed by the same firm. The new suit alleges ERISA fiduciary duty violations concerning excessive premiums being charged to employees for certain supplemental insurance offerings. This string of lawsuits serves as a reminder to employers making voluntary benefits programs available to their workforces that such arrangements are an increasing focus of litigation. To the extent an employer endorses supplemental insurance products (a fact-specific inquiry), those offerings may be subject to ERISA and its associated fiduciary duties to employees, including requiring employers to follow a procedurally prudent process when evaluating and selecting employee benefit options. Accordingly, affected employers should reassess their existing plan structures and oversight practices to mitigate risk exposure.

This recent complaint can be found here.

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