



# United Airlines Voluntary Separation Program Litigation

Kantor & Kantor, LLP

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On May 10, 2022, a class-action lawsuit was filed in Chicago, Illinois federal court concerning the right of retirees to participate in later offered early retirement programs (often referred to as “Oscar’s Promise”). In 2017, United Airlines (“United”) recognized that employees were reluctant to retire because they did not want to miss out on enhanced retirement benefits the airline periodically offered through voluntary separation programs.

In an effort to reduce its workforce during periods in which such programs were not offered, United promised its employees that if they retired and within three years thereafter it offered any early retirement program providing better benefits than the employee received at their retirement, those employees would receive benefits under that superior program.

The lawsuit alleges that United violated federal and state law by denying retirees participation in the enhanced early retirement programs offered within 36 months of their retirement. The lawsuit is brought on behalf of all United retirees who retired between August 17, 2017, and December 31, 2020, who would have been eligible for a later offered retirement program had they not previously retired.

***Because this lawsuit is brought on behalf of all such retirees, there is no need to opt into the Class – all such retirees are by definition members of the Class once the Court certifies the case as a class action.*** The case name is [\*Hoffman, et al. v. United Airlines, et al., No. 1:21-cv-06395, U.S. District Court, Northern District of Illinois.\*](#)

A copy of the complaint can be found [here](#).

## **Summary of the Claims**

The lawsuit specifically alleges that United violated ERISA, the federal law governing employee benefit plans, and, alternatively, breached the 2017 promise by former United CEO Oscar Munoz, by among other things:

- Unlawfully excluding otherwise eligible retirees from eligibility to participate in the Voluntary Separation Program 1 (VSP1), offered in the spring of 2020.
- Unlawfully excluding otherwise eligible retirees from eligibility to participate in the Voluntary Separation Program 2 (VSP2), offered in the summer of 2020.
- Unlawfully excluding otherwise eligible retirees from eligibility to participate in the Voluntary Separation Leave Program (VSL), offered between January 21, 2021, and February 25, 2021.
- Unlawfully interfering with retirees’ rights to participate in VSP1, VSP2 and VSL programs and to receive the rights and benefits under those programs.

## **Status of the Litigation**

The original plaintiff filed a complaint in the U.S District Court for the Northern District of Illinois on November 30, 2021, and shortly thereafter, another set of plaintiffs filed a case in the U.S. District Court for the Central District of California.

A third set of plaintiffs filed a third case in the Central District of California in 2022, and all three cases were consolidated in the Northern District of Illinois on May 10, 2022. United Airlines and the other defendants filed a motion to dismiss on June 1, 2022 and briefing on that motion will close July 20, 2022. This will be updated upon receipt of the Court’s decision on the defendants’ motion.

## **More Information**

If you are a United retiree and retired between August 17, 2017, and January 1, 2021, and would have otherwise been eligible for the VPS1, VPS2 and/or VSL programs had you not already retired when United offered those programs, you are a member of the Class we seek to get certified. In other words, you do not have to do anything in order to be a member of the Class.

***If you would like more information or have information which might assist us in the prosecution of this case, please complete our [questionnaire](#).***



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Since 2004, our law firm has grown from its' Northridge, California home office base to an additional 6 offices on the west coast, with capabilities to represent people nationwide. Getting the best representation is critical and we have a proven track record of being the law firm that strives to provide the best for our clients, from beginning to end.

## CONTACTS



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