

FOR IMMEDIATE RELEASE
AUGUST 11, 2000
FOR MORE INFORMATION:
TOM MOUKAWSHER
Moukawsher & Walsh, LLC
(860) 445-1908

**SPECIAL 11 JUDGE FEDERAL PANEL SIDES WITH RETIREE OVER PENSION
DISCLOSURE SUIT WITH EXXON-MOBIL**

Overturing a lower court decision in favor of corporate giant Exxon-Mobil, a special thirteen judge panel of the federal appeals court in San Francisco yesterday ruled that companies cannot conceal information about potential pension changes from employees who might miss out on the changes by retiring early. Ernest Bins, a retired oil rig worker from Santa Ynez, California, claimed that Exxon officials misled him about a special new benefit program adopted one day after his retirement. Before retiring, Bins, who stood to gain a full year's salary on top of his retirement benefits, asked several Exxon officials about the new program but Exxon deliberately concealed its plans from Bins and other employees. A lower court judge in Los Angeles, finding that Exxon had no obligation to tell Bins anything until the plan was ready for final decision, threw the case out.

On Thursday, the U.S. Court of Appeals for the Ninth Circuit, sitting in an 11 judge "en banc" panel overturned the lower court, ruling that Exxon was obliged to answer Bins' questions "completely" and "truthfully" as soon as the plan was first "seriously considered" by the senior Exxon managers who would carry it out and that the company could not withhold the information until the program was ready for a final approval by top managers. While the 11 judge panel retreated from even broader duties suggested by an earlier 3 judge panel of the same court, according to Bins attorney, Thomas Moukawsher of Groton Connecticut, Bins' victory paves the way for greater openness about pension issues: "This is the most important decision to date recognizing a 'right to know' rule for retiring employees looking for information about potential benefits increases. Employers who keep secrets will clearly now have to pay a price."

The Bins case now returns to the lower court for a trial. The Ninth Circuit Court of Appeals, one of 13 federal appellate courts just below the U.S. Supreme Court, is the largest court of appeals in the nation, covering 10 states including California. En banc decisions are reserved for questions of exceptional importance. Major corporations including IBM, General Motors, Lever Brothers, and Pfizer, Inc. have been accused of similar violations.