

THEODORE P. STEIN, ESQUIRE

4520 East West Highway, Suite 700

Bethesda, Maryland 20814

(301) 469-3350 (p)

1 (301) 576-5951 (f)

E-mail: tstein@tsteinlaw.com

Website: www.tsteinlaw.com

LEGAL EXPERIENCE:

- **ERISA:** Represented and advised administrators and plan sponsors, fiduciaries, and participants in ERISA litigation and matters, including compliance with the Affordable Care Act, implications of the Supreme Court decision overturning §3 of the federal Defense of Marriage Act and ERISA reporting and disclosure requirements.
- **EMPLOYMENT LAW:** Represented employers in crafting and enforcing employment agreements, including covenants not to compete, and defending against wage and overtime and discrimination claims under the Fair Labor Standards Act and federal, state and local wage and hour, wage collection and anti-discrimination statutes.
- **GOVERNMENT INVESTIGATIONS:** Represented employers in DOL and state investigations and proceedings arising from alleged violations of federal and state labor and employment laws.
- **CORPORATE & TRANSACTIONAL:** Represented businesses, non-profits, shareholders, and LLC and non-profit corporation members in drafting and enforcing governance documents, and advancing or defending claims alleging breach of contract, breach of fiduciary duty and business torts. Represented buyers and sellers in asset or stock purchase transactions, including preparation of all closing documents.
- **ESTATES & TRUSTS:** Represented personal representatives, trustees and beneficiaries in probate litigation in state court and clients in estate and trust planning.
- **FAMILY LAW:** Represented parties in actions concerning divorce, annulment, child custody, child support, visitation, alimony and property division. Represented petitioner seeking appointment of guardian and interested persons in guardianship proceedings.
- **COURT-APPOINTED POSITIONS:** Served as Court-appointed mediator, special master, trustee, personal representative, guardian and special fiscal agent.

Theodore P. Stein, P.C., Bethesda, Maryland (February 2014-present): Principal. Representative cases include:

- Defense of wage and hour claims against retail businesses and individual defendants
- Court-appointed successor personal representative in estates before Orphans' Court for

Montgomery County, Maryland

- Court-appointed trustee of testamentary trust under auspices of Trust Office and Circuit Court for Montgomery County, Maryland
- Personal representatives in probate administration matters in Maryland, D.C. and Virginia.

Whiteford, Taylor & Preston, Bethesda, MD (November 2012-January 2014): Counsel.

Representative cases include:

- Social Security disability claim case
- Defense of FLSA claims against service provider
- Defense of claims against individual for fraud, constructive trust and conversion
- Representation of LLC member in dispute with other LLC member who operated a retail business in Bethesda, Maryland
- Represented clients in estate planning and estate and trust administration matters.

Theodore P. Stein, P.C., Rockville, Maryland (2002-2012): Founder and principal of law firm.

Representative cases include:

- Representation in U.S. District Court of disability plan participant who was satellite scientist and denied benefits (Result: Court reversed and remanded denial of benefits by insurer and case later settled)
- Negotiation and enforcement of employment contracts, confidentiality agreements and restrictive covenants, claims for pension and disability benefits under ERISA, formulation of personnel policies, compliance with federal and state employment and anti-discrimination requirements, defense in U.S. District Court of gas station seller in environmental cleanup case.
- Represented clients in foreclosure actions, landlord-tenant issues, corporate disputes between shareholders, partners and LLC members, creditor-debtor problems, probate, guardianship and trust, and business matters, financing and sales transactions and estate and business succession planning.
- Represented parties in actions concerning divorce, annulment, child custody, child support, visitation, alimony and property division. Represented petitioner seeking appointment of guardian and interested persons in guardianship proceedings.

Paley, Rothman, Goldstein, Rosenberg & Cooper, Bethesda, MD (1988-2002): Associate, 1988 to 1994; Partner, 1994 to 2002. Representative cases include:

- Representation in U.S. District Court of plan participant who was denied installment payout of benefits (result: Judgment obtained for participant directing installment payout of benefits and awarding attorneys' fees and costs)
- Representation in litigation or threatened litigation over real estate and business problems.

Dickstein, Shapiro & Morin, Washington, D.C. (1984-1988): Associate.

Representative cases include:

- Defense of Teamsters' pension fund in federal U.S. Department of Labor action in U.S. district and appellate courts, defense of Lloyd's underwriters in federal court securities and fraud case and defense of outside director of Maryland savings & loan association in state court breach of fiduciary duty case.

BAR ADMISSIONS:

Maryland (1985), District of Columbia (1985). Also admitted to bars of U.S. Supreme Court, U.S. Court of Appeals for the Fourth Circuit, U.S. District Court for the District of Columbia and U.S. District Court for the District of Maryland.

EDUCATION:

Catholic University Law School, J.D., 1984. Comment Editor (Vol. 33), Staff Member (Vol. 32), Catholic University Law Review; Class Rank: 3/181; Am Jur Awards in Torts, Civil Procedure, Constitutional Law, and Commercial Transactions; Note, *Nixon v. Fitzgerald: Presidential Immunity as a Constitutional Imperative*, 32 *Cath. U.L. Rev.* 759 (1983); Intern for Honorable Abner J. Mikva, U.S. Court of Appeals for the D.C. Circuit.

University of Michigan, B.A., Honors In English with High Distinction.

PROFESSIONAL AND COMMUNITY ACTIVITIES:

Trustee, Cancer Board Chairman (2004 to present), Member, 2012-13 Annual Golf Benefit Committee, Washington Adventist Hospital Foundation.

General Counsel, Avanstage, LLC (March 2010 to present)(marketing agency for prima ballerina Diana Vishneva, principal, American Ballet Theatre).

General Counsel, Garden of Remembrance Memorial Park, Inc., Clarksburg, MD (March, 2012 to present).

Member, Standing Committee on the Resolution of Fee Disputes, (1997 - present), Member, Ethics Committee, Bar Association of Montgomery County.

Chairman, Business Law & Banking Section, Bar Association of Montgomery County (1991-1996).

Member, Federal Court Task Force; Member, Joint Bar Association Advisory Committee for the Southern Division of Maryland (U.S. Courthouse, Greenbelt).

Master, Alan J. Goldstein Inn of Court, Greenbelt, Maryland (1996 - 2002).

CLE Lecturer on ERISA, employment and business law and professional issues.

PUBLICATIONS:

Contributor, Employee Benefits Law Cumulative Supplement (2005 - present), published by the ABA Section of Labor and Employment Law (Contributor, ACA, Chaps.7 & 8, 2013 -15 Supps.).

Articles on ACA and DOMA in WTP newsletters and newsletters of employee benefits accountants (Calibre CPA) and consultant (AFS 401(k) Services, LLC).

Contributor, Employment Discrimination Law 2002 Cumulative Supplement (Third Edition), published by the ABA Section of Labor and Employment Law.