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## **PROFESSIONAL EXPERIENCE**

DMO Law Firm, Chicago, IL, March 2007 to Present: Principal/Owner.

Practice Focus is Alternative Dispute Resolution, Mediation, Arbitration, ERISA, Employee Benefits (private sector & public sector), Illinois Pension Code, Employment Law (private sector & federal sector), Disability Issues, Litigation/Adjudication, Appeals, Administrative Review, Severance Agreements, COBRA, Qualified Domestic Relations Orders (QDRO's), Qualified Illinois Domestic Relations Orders (QILDRO's), etc.

Representative issues include: Alternative Dispute Resolution: Mediation & Arbitration, Mediator/Arbitrator for Resolute Systems, LLC. Court-certified Mediator for the Court-Annexed Major Case Civil Mediation Program for the Circuit Court of Cook County, Arbitrator for American Arbitration Association (AAA) (Employment Panel, ERISA Panel, Consumer Panel), Arbitrator for Commercial Calendar, Law Division-Circuit Court of Cook County, Arbitrator for 18<sup>th</sup> Judicial Circuit Court, DuPage County, IL, FINRA Chairperson/Arbitrator, Arbitrator for the Mandatory Arbitration Program for the Circuit Court of Cook County; Appeals (in court & before hearing boards); Administrative Review; Disability Appeals & Issues; Employee Benefit Plan Applications & Appeals; Litigation: Age Discrimination Litigation, Breach of Contract Litigation, Equitable Reformation of Contract Litigation, Benefit Plan Litigation (e.g., obtaining benefits & breach of fiduciary issues), Civil Fraud/ Fraudulent Transfer Litigation, Division of Retirement Asset Litigation (Domestic Relations Division of Circuit Court); Equal Employment Opportunity Commission (EEOC) representation; COBRA Issues; Collection Issues; Drafting & Representation for QDRO's/QILDRO's, Appeals relating to QILDRO in Illinois Appellate Court; Other QDRO/QILDRO issues; Negotiation/Representation for Severance Agreements, Employment Agreements, Confidentiality Agreements, Non-Compete Agreements.

Presenter/Speaker: Panelist on American Arbitration Association Employment Roundtable, "Best Practices for Arbitrators", 2017.

McGann, Kettermann & Rioux, LLC (f/k/a Whitfield, McGann & Kettermann ), Chicago, IL 1998-Present: Of Counsel.

Experience includes advice on all employee benefit issues relating to union-side multiemployer retirement funds and multiemployer welfare funds under ERISA, Tax Code, Taft-Hartley Act & related laws, including individual participant & beneficiary issues as well as fund issues. Experience includes drafting sample QDRO's & QMCSO's for clients, state court actions to obtain QDRO's, reviewing QDRO's & QMCSO's from plan administrator perspective; plan design issues; issues relating to appeals to boards of trustees (as plan administrator under ERISA for multiemployer plans) including drafting appeals; drafting plan documents, trust agreements, amendments, Board Resolutions, participation agreements, summary plan descriptions (SPD's), summaries of material modifications (SMM's), investment policies, etc. for multiemployer pension funds, health funds, apprenticeship funds; reviewing said documents drafted by other attorneys, third party administrators (TPA's), consultants, etc.; reviewing vendor contracts for legal compliance & for business sense, such as pharmacy benefit manager contracts, T-1 line contracts, preferred provider (PPO) contracts, computer consultant contracts, medical peer review contracts, codes of conduct, business policies, etc.

Experience includes litigation relating to subrogation cases in federal & state courts; civil RICO case against TPA for return of unauthorized fees & commissions; third party declaratory judgment action in federal court seeking determination that trustees were entitled to coverage under fiduciary liability policy; federal court case against employer obtaining COBRA coverage for employees; state court case enforcing settlement agreement; state court case dismissing a \$1.2 million benefit claim involving ERISA's fiduciary requirements; collection of withdrawal liability, etc.

Experience also includes counseling on such issues as U.S. Department of Labor (DOL) investigations, DOL audits for plan compliance, Internal Revenue Service (IRS) audits & investigations for plan compliance; filing applications for determination with the IRS for retirement plans; negotiating \$220,000 claim for refund of money paid under contract with bankrupt vendor; negotiating class action settlements for prescription drug claims; advising on issues such as, thirteenth-check issues, automatic rollovers, reimbursement & advancement of legal fees to fiduciaries, fiduciary rules, trustee compensation & reimbursement, disclosure requirements, subrogation issues, reciprocal contribution issues; researching federal & state requirements for apprenticeship funds, mergers between welfare funds, mergers between apprenticeship funds; counseled & mediated at meetings of boards of trustees of multiemployer pension funds, welfare funds, & apprenticeship funds.

Presenter/Speaker: Seminars by International Foundation of Employee Benefit Plans & International Society of Certified Employee Benefit Specialists (CEBS) such as QDRO's, QMCSO's, Health Insurance Portability & Accountability Act of 1996 (HIPAA), DOL regulations, other ERISA issues specific to multiemployer funds & single employer plans. Several presentations to boards of trustees regarding current plan issues.

Seyfarth, Shaw, Fairweather & Geraldson (n/k/a Seyfarth Shaw LLP), Chicago, IL 1996-1998: Of Counsel, Employee Benefits Practice Group.

Representative projects include reviewing QDRO's & QMCSO's; withdrawal liability issues; amending health & welfare plans for HIPAA, Mental Health Parity Act of 1996, & Newborns' & Mothers' Health Protection Act of 1996; amending tax-qualified plans for Small Business Job Protection Act of 1996; terminations of multiemployer funds & single-employer plans; drafting SPD's; drafting special documents, e.g., IRS closing agreement program submissions, suspension of benefits notices, required PBGC notices; drafting documents regarding history & future of health care coalitions; IRS determination letter requests for multiemployer funds, individually-designed plans, collectively-bargained funds, terminated plans, regional prototype plans; researching issues relating to COBRA, Taxpayer Relief Act of 1997, waiver of rights in divorce/beneficiary designation issues, etc.

Aon Consulting, Inc., Chicago, IL 1990-1996: Principal & Manager of Central Region Technical Services (in-house Legal Department for all 6 Midwest offices in Central Region). Supported National Technical Services (in-house National Legal Department serving all U. S. offices).

Accomplishments include obtaining \$1,000,000 client for Philadelphia Office; promotion to Principal; directing profitable operation of Central Region Technical Services; managing people & multiple projects at once.

Counseled clients on all employee benefit issues relating to tax-qualified & non-qualified single employer retirement plans & welfare plans. Drafted all plan documents, trust agreements, SPD's, SMM's for all clients of Central Region Technical Services (CRTS). Also drafted plan documents, SPD's & SMM's for certain clients of National Technical Services (NTS). Filed Applications for Determination with the IRS for all retirement plan clients of CRTS & for certain clients of NTS. Filed certain documents with DOL, such as Form 5500's, amnesty filings, etc. Advised & worked with all departments of Aon, such as actuarial department regarding QDRO's, formulas for minimum vesting schedules and minimum funding requirements, etc.), defined benefit plan administration, 401(k) plan administration, profit-sharing plan administration, tax department, medical/dental claims departments. Clients included single-employer plans, multiemployer funds, for-profit plans, tax-exempt plans, church & governmental employers. Experience includes client management, plan design & drafting, frozen plans, plan terminations, plan audits, IRS submissions (such as requests for IRS private letter rulings), DOL submissions (such as DOL prohibited transaction exemption applications, DOL amnesty filings, etc.), other reporting & disclosure filings.

Advised on ERISA, Tax Code, including QDRO's & QMCSO's, USERRA (military leave contribution requirements for retirement plans & military leave continuation of health coverage requirements for ERISA health plans), COBRA, FMLA (family leave), Americans with Disabilities Act (disability discrimination in ERISA plans), etc. Worked with tax-qualified plans & nonqualified plans, welfare plans (e.g., health plans, Tax Code Section 125 cafeteria plans, executive deferred compensation, tax-sheltered annuities, etc.). Counseled on such issues as self-directed investments (Tax Code Section 404(c)), asset transfers, sale of business, mergers, plan administration issues, maximum limitations violations (Tax Code Section 415), minimum distribution issues, reporting & disclosure issues, nondiscrimination rules, return of excess contributions, rollovers, fiduciary issues, withdrawal liability, etc.

Ernst & Young, Atlanta, GA 1988-1990: Tax Manager, Southeast Actuarial, Benefits & Compensation Practice.

Advised on Tax Code Section 89 (nondiscrimination rules for health plans), COBRA, ERISA welfare plans, nonqualified deferred compensation plans, & qualified plans, Tax Code Section 125 cafeteria plans, golden parachutes, defined benefit plans, cash or deferred arrangements (Tax Code Section 401(k) plans), including plan design & drafting, IRS submissions, DOL submissions, position papers. Presenter/Speaker: Atlanta Bar Association meetings regarding nonqualified plans; Client seminars on Tax Code Section 89 & COBRA.

Johnson Companies, Newtown, PA 1985-1988: Counsel, Legal Department.

Drafted plan documents & SPD's for all retirement plan clients & health plan clients. Counseled retirement plan department on all issues, such as benefit distributions, conformity with plan terms, etc. Counseled health plan department on all issues, such as claims payment, conformity with plan terms, COBRA, fiduciary issues, Tax Code Section 89. Developed policies & procedures to effectively administer terms of plans, amendments, etc. Presenter/Speaker: Client seminars on COBRA, Tax Code Section 89.

Private Practice, Philadelphia, PA 1980-1985: General Practice.

## **PROFESSIONAL ASSOCIATIONS/DESIGNATIONS**

Special Admission: U.S. Supreme Court: Admitted to Practice by Special Ceremony, June 3, 2013. Indiana: Licensed to practice in Indiana Federal Court, Northern Division, 2002.

Bar Admissions: Illinois, 1997; New Jersey, 1982, Pennsylvania, 1980.

Designations: Resolute Systems, LLC: Mediator/Arbitrator: American Arbitration Association, Arbitrator on Active Roster of Neutrals, Employment Panel, ERISA Panel, Consumer Panel; Arbitrator, Commercial Calendar, Law Division, Circuit Court of Cook County; Arbitrator, 18<sup>th</sup> Judicial Circuit Court, DuPage County, IL; FINRA Chairperson/Arbitrator; Chicago Bar Association, Lawyer Referral Service, Pension, Profit-Sharing & Employee Benefits Panel; Arbitrator for the Mandatory Arbitration Program for the Circuit Court of Cook County; Court-certified Mediator for the Court-Annexed Major Case Civil Mediation Program for the Circuit Court of Cook County; Court-certified Mediator for the Chancery Division for the Circuit Court of Cook County.

Memberships: Chicago Bar Association; Illinois State Bar Association; American Bar Association; National Employment Lawyers Association-National; National Employment Lawyers Association-Illinois, National Pension Lawyers, Appellate Lawyers Association; Who's Who In America.

## **EDUCATION**

Degrees/Certificates:

Resolute Systems, LLC, Arbitrator and Mediator Roster of Neutrals, 2017

American Arbitration Association, Arbitrator on Active Roster of Neutrals, 2016

- Employment Panel, ERISA Panel, Consumer Panel

Arbitrator, Commercial Calendar, Law Division, Circuit Court of Cook County, IL, 2016

FINRA Chairperson/Arbitrator, 2017 (FINRA Arbitrator since 2013)

Arbitrator, 18<sup>th</sup> Judicial Circuit, DuPage County, IL, 2015

Masters in Taxation (L.L.M.), 1986, Temple University School of Law, Philadelphia, PA

Juris Doctor (J.D.), 1980, Widener University School of Law, Wilmington, DE

Bachelor of Arts (B. A.), 1977, St. Joseph's University, Philadelphia, PA

Certificate of Completion in Mediation, 2007, DePaul University College of Law, Center for Dispute Resolution, Chicago, IL

Certificate of Completion in Family Mediation, 2007, DePaul University, Chicago, IL

Fred Lane's Trial Techniques Institute, Illinois State Bar Association, September, 2009-June 2010, Chicago, IL