

## Fed. Judge Rejects Kimberly-Clark's Attempts to Dodge 401(k) Payout

"Despite the many hurdles erected by ERISA and the way the Kimberly-Clark Corp. plan was administered, we admire our client's persistence and are comforted to know that she can now find some stability," said Eric H. Weitz of the Weitz Firm, in Philadelphia, who represented the plaintiff.

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A federal judge in Pennsylvania ruled that a man's long-term partner can receive over \$300,000 in funds from his 401(k) plan even though he did not use her legal name to list her as his beneficiary, concluding that it was clear he intended to designate the funds to her.

On [Monday](#), U.S. District Judge Gail Weilheimer of the Eastern District of Pennsylvania granted plaintiff Sophie Kostomite's attempts to receive her deceased, long-term partner Bill Teetsel's 401(k) plan proceeds. Teetsel's employer, Kimberly-Clark Corp., refused to tender the proceeds to the plaintiff, as Teetsel had listed his beneficiary to the plan as "Sophie Teetsel," rather than her legal name of Sophie Kostomite. Kimberly-Clark argued that Kostomite claimed the beneficiary

forms were confusing, but that she failed to produce any evidence to suggest that the forms were misleading or confusing.

Weilheimer ruled that Kostomite should be given the funds, totaling \$360,873.78, concluding it was obvious who Teetsel intended to name as his beneficiary.

"This court finds it inescapably obvious that the decedent intended to name plaintiff the recipient of the plan's proceeds. The use of her Social Security number and birth date makes it entirely unambiguous that the decedent intended the plan's funds to go to plaintiff. That misuse of the last name Teetsel creates virtually no ambiguity in the face of that corroboration," Weilheimer said. "It is patently clear to this court that the decedent intended the plan's funds to be disbursed to the woman with whom he was long-time romantic partners and whose Social Security number and date of birth he supplied in response to plan's option to name a beneficiary. Defendant's whimsical alternative explanation for his choice to do so is nonsensical and disrespects the decedent's clear intention in an attempt to gain a \$300,000 windfall."

In *Kostomite v. Kimberly-Clark*, after Teetsel died in 2024, Kostomite, who had lived with the decedent and had been in a 20-year relationship, sought to receive the funds from his 401(k) plan. However, the Kimberly-Clark Corp. maintained that Kostomite wasn't entitled to the benefits of Teetsel's account because the beneficiary information on file didn't identify Sophie Kostomite as the beneficiary. Kostomite sued the defendant after it initially refused to pay the proceeds to her.

Weilheimer noted that the Employee Retirement Income Security Act of 1974 (ERISA) requires plans to distribute funds "in accordance with the documents and instruments governing the plan," and concluded that it was clear that Teetsel had intended to name Kostomite as his beneficiary.

"The only logical conclusion that can be drawn from this set of facts is that the decedent, in his own mind, thought of plaintiff as his spouse and referred to her as having his name," Weilheimer said. "This is particularly true in light of the record evidence which shows that plaintiff at least sometimes used Teetsel as her last name, and that she and decedent were live-in romantic partners across decades."

The court further concluded that if it credited the defendant's argument, it "would essentially impute a typo-level degree of scrutiny upon beneficiary designations."

"Considering the obvious and undeniable fact that plaintiff has been identified as the beneficiary by way of her Social Security number and date of birth as well as the plausible (but technically incorrect) recitation of her name, the only rational rule which could exclude her is one that requires exact precision in spelling a beneficiary's name," Weilheimer said. "Defendant cites to no authority for that principle, and that sort of rule would frustrate the basic purpose of ERISA, which is to

ensure that a fund like the plan is administered fairly and consistently with the intent of its participants."

"Despite the many hurdles erected by ERISA and the way the Kimberly-Clark Corp. plan was administered, we admire our client's persistence and are comforted to know that she can now find some stability. We are appreciative that the court carefully reviewed the record and appropriately rejected baseless defenses," said Eric H. Weitz of the Weitz Firm, in Philadelphia, who represented Kostomite.

Jennafer M. Tryck of Gibson, Dunn & Crutcher, in Irvine, California, represented Kimberly-Clark and did not immediately respond to a request for comment.

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