

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ARIZONA

Hanna Furst, et al. v. Linda Mayne, et al.

Furst · No. CV-20-01651-PHX-DLR · Decided January 28, 2026

SUMMARY

The United States District Court for the District of Arizona dismissed Robert Furst’s remaining claims with prejudice after the parties agreed that the DHF Corporation Profit Sharing Plan was not subject to ERISA. The court confirmed that claims previously brought on behalf of Hanna Furst and the Plan were dismissed without prejudice and declined to opine on any effect of the federal case’s disposition on related California proceedings.

CASE DETAILS

COURT	United States District Court for the District of Arizona
WRITING FOR THE COURT	Douglas L. Rayes
JURISDICTION	United States District Court for the District of Arizona
DECIDED	January 28, 2026
DOCKET	CV-20-01651-PHX-DLR
DISPOSITION	dismissed
PROCEDURAL POSTURE	Order resolving Plaintiff Robert Furst's motion under Federal Rule of Civil Procedure 12(b)(1), following partial summary judgment and an order to show cause regarding dismissal with prejudice.
STANDARD OF REVIEW	The court treated whether the Plan was governed by ERISA as a merits issue rather than a subject-matter-jurisdiction issue; the order does not state a separate standard of review.
PRECEDENTIAL VALUE	Unpublished federal district court order; nonprecedential.
PARTIES	Hanna Furst, Robert Furst, DHF Corporation Profit Sharing Plan v. Linda Mayne, Stephen Mayne

TOPICS

- subject matter jurisdiction
- motions to dismiss
- erisa
- employee benefits
- civil procedure

PRACTICE AREAS

- ERISA
- civil procedure
- employee benefits

QUESTIONS PRESENTED

1. Whether the question of whether the DHF Corporation Profit Sharing Plan is governed by ERISA is jurisdictional under Federal Rule of Civil Procedure 12(b)(1) or instead concerns the merits.
2. Whether Robert Furst's remaining claims should be dismissed with prejudice after the parties agreed that the Plan was not subject to ERISA and Robert could not establish that essential element of his claims.
3. Whether the court should opine on any collateral impact of the dismissal on Hanna Furst's estate's claims pending in California Superior Court.

HOLDINGS

1. Whether the Plan is governed by ERISA is a merits question, not a question of subject-matter jurisdiction under Rule 12(b)(1).
2. Robert Furst's remaining claims must be dismissed with prejudice because the parties agreed that the Plan was not subject to ERISA and Robert therefore could not establish an essential element of his claims.
3. The court declined to express an opinion on whether or to what extent this case's disposition affects Hanna Furst's estate's claims in California Superior Court.

KEY QUOTATIONS

“Having considered the parties’ submissions, the Court will dismiss Robert’s remaining claims with prejudice because all parties now agree that the Plan is not subject to ERISA and, therefore, Robert cannot establish an essential element of his claims.” (at 2)

“Whether and, if so, to what extent the disposition of this case impacts Hannah’s estate’s claims in California Superior Court is an issue that may be litigated, if properly raised, in the California case.” (at 2)

FACTUAL BACKGROUND

Hanna Furst and her spouse formed DHF Corporation and were its sole shareholders. DHF Corporation established the DHF Corporation Profit Sharing Plan, which the complaint alleged was an ERISA-covered defined-contribution employee pension plan, and David Furst was its sole employee-participant. In February 2018, Robert Furst and Linda Mayne became co-trustees of the Plan, and Robert alleged that Linda breached fiduciary duties under ERISA. Robert later acknowledged that the Plan was not subject to ERISA and agreed that his remaining claims should be dismissed.

PROCEDURAL HISTORY

Robert Furst brought claims on behalf of himself, his mother Hanna Furst, and the DHF Corporation Profit Sharing Plan, alleging that Linda Mayne breached fiduciary duties under ERISA. The court dismissed Hanna's claims without prejudice and dismissed the Plan's claims because Robert was not authorized to bring them, while allowing Robert's claims to proceed; it later granted Linda summary judgment on one aspect of Robert's claims and denied summary judgment on the remainder. After Robert moved to dismiss his remaining claims under Rule 12(b)(1), the court rejected the jurisdictional basis for the motion, ordered Robert to show cause why the

claims should not be dismissed with prejudice, and ultimately dismissed Robert's remaining claims with prejudice while directing entry of judgment on the previously dismissed claims.

DISPOSITION

dismissed

CASES CITED

- Daniels-Hall v. National Education Association, 629 F.3d 992, 997-98 (9th Cir. 2010)

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