



Hogan Lovells successfully defends ERISA plans' rights to full reimbursement on behalf of client US Airways

17 April 2013

U.S. Supreme Court and Appellate Alert

In *US Airways, Inc. v. McCutchen*, a decision issued 16 April 2013, all nine justices of the Supreme Court agreed with the argument made by Hogan Lovells on behalf of client US Airways that an employee who receives medical payments for an injury pursuant to an employer-sponsored health-benefits plan may not avoid the reimbursement requirements of that plan by arguing that such reimbursement is "inequitable." Where a plan clearly requires complete reimbursement of medical payments out of any recovery from third parties for the same injury, equitable principles cannot trump the plain contractual language. Neal Katyal argued the case before the Court. He was joined on the briefs by a team of Hogan Lovells lawyers from the Washington, D.C. office, including Cate Stetson, Dominic Perella, Mary Helen Wimberly, and Sean Marotta, along with Noah Lipschultz of the Littler Mendelson firm, who handled the case in the Third Circuit.

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