



In *US Airways, Inc. v. McCutchen*, Hogan Lovells argues to the Supreme Court that an ERISA plan's reimbursement provision must be enforced according to its terms

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U.S. Supreme Court and Appellate Alert

On Tuesday, the United States Supreme Court heard argument on an important question affecting all sponsors and administrators of ERISA health benefit plans: whether a court may rewrite plan language to eliminate a plan's right to seek reimbursement from beneficiaries out of third-party recoveries. Neal Katyal of Hogan Lovells argued, on behalf of our client US Airways, the plan sponsor, that the Court should answer that question in the negative; courts should not rewrite the plain terms of an ERISA plan to accommodate late-breaking "equitable" adjustments to the plan's clear reimbursement right. He was joined on the briefs by a team of Hogan Lovells lawyers that included Cate Stetson, Dominic Perella, Mary Helen Wimberly, and Sean Marotta.

Read: "*In US Airways, Inc. v. McCutchen*, Hogan Lovells argues to the Supreme Court that an ERISA plan's reimbursement provision must be enforced according to its terms"

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