

**02-1845 AETNA HEALTH INC. v. DAVILA**

Ruling below: CA 5, 307 F.3d 298.

QUESTION PRESENTED:

Whether the Employee Retirement Income Security Act of 1974, 29 U.S.C. §§ 1001 et seq. ("ERISA"), as construed by this Court in *Pilot Life Insurance Co. v. Dedeaux*, 481 U.S. 41 (1987), and its progeny, completely preempts state-law claims by ERISA plan participants or beneficiaries who assert that a managed care company tortiously "failed to cover" (i.e., pay for) medical care.

**03-83 CIGNA HEALTHCARE OF TEXAS v. CALAD**

Ruling below: CA 5, 307 F.3d 298.

QUESTION PRESENTED:

Whether § 502(a) of the Employee Retirement Income Security Act of 1974 ("ERISA"), 29U.S.C. § 1132(a), completely preempts a state-law tort claim seeking damages for an allegedly erroneous determination of entitlement to a benefit under an ERISA-governed health benefit plan when the determination is based in part on the exercise of medical judgment.

CERT. GRANTED: 11/3/03  
Consolidated for one hour oral argument.