

05-260 SEREBOFF V. MID-ATLANTIC MEDICAL SERVICES

DECISION BELOW: 407 F3d 212

LOWER COURT CASE NUMBER: 04-1336, 04-1403, 04-1722

QUESTION PRESENTED:

As the Court of Appeals recognized below, this case squarely presents a question that is the subject of a four-to-two circuit conflict and that was addressed but left open by this Court in *Great-West Life & Annuity Ins. Co. v. Knudson*, 534 U.S. 204 (2002). As the federal government has noted, the question is of extreme national importance and likely affects over \$1 billion annually. The Question Presented is:

Can a plan fiduciary bring a civil action against a plan participant to obtain "appropriate equitable relief" under Section 502(a)(3) of the Employee Retirement Income Security Act of 1974, 29 U.S.C. § 1132(a)(3), where a term of the plan requires the participant to reimburse medical expenses advanced by the plan if the participant recovers money from a third-party tortfeasor and possesses such payments in an identifiable fund?

CERT. GRANTED 11/28/2005