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## **U.S. Supreme Court Agrees to Hear Church Plan Appeals**

The U.S. Supreme Court today granted petitions for writs of certiorari in three church plan cases: *Dignity Health, et al. v. Rollins*, No. 16-258; *Saint Peter's Healthcare System, et al. v. Kaplan*, No. 16-86; and *Advocate Health Care Network, et al. v. Stapleton, et al.*, No. 16-74.

These cases are part of a recent wave of dozens of church plan lawsuits filed across the country. The plaintiffs in these lawsuits claim that the pension plans offered by religiously-affiliated healthcare systems do not qualify for ERISA's church plan exemption. The key issue before the Supreme Court will be whether only a "church" may establish a church plan, or whether a plan established by a non-profit organization that is controlled by or associated with a church may also qualify. In *Kaplan*, *Stapleton*, and *Rollins*, the U.S. Courts of Appeal for the Third, Seventh, and Ninth Circuits, respectively, each found that a church plan must be established by a church.

In its order granting certiorari, the Supreme Court consolidated the *Rollins*, *Kaplan*, and *Stapleton* cases and allotted a total of one hour for oral argument. The Supreme Court has not yet issued a schedule for briefing or oral argument. Based on our review of the Supreme Court's rules and past practices, however, our best estimate is that the Court might hear oral argument around March and issue a decision around June of next year.

The time period before the Supreme Court issues a decision presents an opportunity to review the status of church plans and whether steps can be taken to mitigate risk. Please contact your Groom lawyer if you would like to discuss how we can assist you in evaluating these matters.