

## Status of Church Plan Litigation

Below is a summary of current and recent church plan cases.

Case	Ruling/Status	Result
<p><i>Chavies v. Catholic Health East</i>            District Court: Eastern District of Pennsylvania            Jurisdiction: 3rd Circuit            Year filed: 2013</p>	<p>District court denied Defendants' Motion to Dismiss. The court ordered discovery on whether the sponsor there at issue, a large hospital conglomerate, could be a "church" within the meaning of ERISA and thus establish its own church plan; the court did not reach plaintiffs' alternative arguments that the plan was not a church plan.</p>	
<p><i>Overall v. Ascension Health</i>            District Court: Eastern District of Michigan            Jurisdiction: 6th Circuit            Year filed: 2013</p>	<p>District court ruled that the pension plan there at issue was a church plan even though it was concededly not established by a church, but by a large hospital conglomerate; the court rejected plaintiffs' alternative arguments that the plan did not meet various other requirements to be a church plan. Appeal to Sixth Circuit.</p>	<p>On September 17, 2015, the U.S. District Court for the Eastern District of Michigan approved a settlement of the litigation.</p>
<p><i>Rollins v. Dignity Health</i>            District Court: Northern District of California            Jurisdiction: 9th Circuit            Year filed: 2013</p>	<p>District court ruled that the pension plan there at issue, sponsored by a large hospital conglomerate, was not a church plan because it was not established by a church; court did not reach plaintiffs' alternative arguments that the plan was not a church plan.</p>	<p>Interlocutory appeal to the Ninth Circuit, November 2014. Oral arguments in the Ninth Circuit were held on February 8, 2015.</p>
<p><i>Kaplan v. Saint Peter's Healthcare System</i>            District Court: District of</p>	<p>District court ruled that the pension plan there at issue, sponsored by a large hospital</p>	<p>On appeal by Defendants, the Third Circuit Court of Appeals held in <i>Kaplan v. Saint Peter's</i></p>

<p>New Jersey Jurisdiction: 3rd Circuit Year filed: 2013</p>	<p>conglomerate, was not a church plan because it was not established by a church; court did not reach plaintiffs' alternative arguments that the plan was not a church plan. Saint Peters appealed to the 3<sup>rd</sup> Circuit Court of Appeals.</p>	<p><i>Healthcare System</i>, No. 15-1172 (3rd Cir. Dec. 29, 2015), that a hospital could not establish its own church plan, and because no church established St. Peter's Healthcare System's retirement plan, that it was ineligible for the church plan exemption from ERISA. On March 18, 2016, the 7<sup>th</sup> Circuit denied Saint Peters' Motion for Panel and <i>en banc</i> rehearing.</p>
<p><i>Medina v. Catholic Health Initiatives</i> District Court: District of Colorado Jurisdiction: 10th Circuit Year filed: 2013</p>	<p>Rejecting the recommendation of a magistrate judge, who had held that only a church can establish a church plan, the district judge held that a non-church could establish a church plan if certain other requirements were met.</p>	<p>Judge Robert E. Blackburn issued a ruling on cross motions for summary judgment on December 8, 2015, holding that CHI Plan participants are not entitled to any ERISA protections for their pension because the CHI Plan is a church plan and "entitled to the benefit of the ERISA exemption" and dismissing the case. Plaintiff filed a notice of appeal to the Tenth Circuit Court of Appeals on January 6, 2016.</p>
<p><i>Stapleton v. Advocate Health Care Network</i> District Court: Northern District of Illinois Jurisdiction: 7th Circuit Year filed: 2014</p>	<p>District court ruled that the pension plan there at issue, sponsored by a large hospital conglomerate, was not a church plan because it was not established by a church; court did not reach plaintiffs' alternative arguments that the plan was not a church plan.</p>	<p>On March 17, 2016, the Seventh Circuit Court of Appeals ruled in Plaintiffs' favor and held that under the plain language of the statute, "a plan must . . . be established by a church." Because no church established the Advocate Health Care Network's Pension Plan, Advocate is ineligible for the church plan exemption from ERISA. On April 6, 2016 Advocate moved for a stay of the mandate pending filing of a petition for writ of certiorari.</p>

		Plaintiffs filed a response pursuant to the Court's order. Advocate ordered to file a reply by April 22, 2016.
<i>Owens v. St. Anthony Medical Center, Inc.</i> District Court: Northern District of Illinois Jurisdiction: 7th Circuit Year filed: 2014	Various motions pending; no discovery has yet commenced.	Stayed pending decision in <i>Advocate</i> .
<i>Lann v. Trinity Health Corp.</i> District Court: District of Maryland Jurisdiction: 4th Circuit Year filed: 2014	District court held that a non-church could establish a church plan if certain other requirements were met; The parties have agreed to settle the case.	The case is currently stayed while the parties prepare a final settlement agreement that will be submitted to the Court for preliminary approval.
<i>Griffith v. Providence Health &amp; Servs</i> District Court: Western District of Washington Jurisdiction: 9th Circuit Year filed: 2014	Motion to dismiss is pending; no discovery has yet commenced.	Stayed pending decision in <i>Rollins v. Dignity Health</i> .
<i>Morris v. Daughters of Charity Health System</i> District Court: Northern District of California Jurisdiction: 9th Circuit Year filed: 2014	The hospital was sold during the litigation. The buyer agreed that upon closing of the sale the plan would be subject to ERISA.	On February 22, 2016 a voluntary dismissal of the case was filed.
<i>Tucker v. Baptist Health Sys.</i> District Court: Northern District of Alabama Jurisdiction: 11th Circuit Year filed: 2015	Defendants' Motion to Dismiss is pending. Oral argument to be held October 14, 2015.	In mediation.
<i>Carver v. Presence Health Network</i> District Court: Northern District of Illinois Jurisdiction: 7th Circuit Year filed: 2015	No answer or motion to dismiss yet filed.	

<p><i>Kemp-Delisser v. Saint Francis Hosp. &amp; Med. Ctr.</i>  District Court: District of Connecticut  Jurisdiction: 2nd Circuit  Year filed: 2015</p>	<p>Complaint filed July 21, 2015 in the United States District Court for the District Court of Connecticut.</p>	<p>In mediation.</p>
<p><i>Boden v. St. Elizabeth's Medical Center, Inc.</i>  District Court: Eastern District of Kentucky  Jurisdiction: 6th Circuit  Year filed: 2016</p>	<p>Complaint filed March 17, 2016 in the United States District Court for the Eastern District of Kentucky. No responsive pleading yet filed.</p>	
<p><i>Lupp v. Mercy Health, et al.</i>  District Court: Southern District of Ohio  Jurisdiction: 6th Circuit  Year filed: 2016</p>	<p>Complaint filed March 30, 2016 in the United States District Court for the Southern District of Ohio. No responsive pleading yet filed.</p>	
<p><i>Beiermann v. Sisters of St. Mary Health Care Corporation, et al</i>  District Court: Eastern District of Missouri  Jurisdiction: 8<sup>th</sup> Circuit  Year filed: 2016</p>	<p>Complaint filed April 4, 2016 in the United States District Court for the Eastern District of Missouri. No responsive pleading yet filed.</p>	
<p><i>Feather v. Sisters of St. Mary Health Care Corporation, et al</i>  District Court: Southern District of Illinois,  Jurisdiction: 7<sup>th</sup> Circuit  Year filed: 2016</p>	<p>Complaint filed April 8, 2016 in the United States District Court for the Southern District of Illinois. No responsive pleading yet filed.</p>	
<p><i>Hodges v. Bon Secours Health Sys., Inc.,</i>  District Court: District of Maryland  Jurisdiction: 4<sup>th</sup> Circuit  Year filed: 2016</p>	<p>Complaint filed April 11, 2016 in the United States District Court for the District of Maryland. No responsive pleading yet filed.</p>	

<p><i>Curtis v. Wheaton Franciscan Servs., Inc.</i>,  District Court: Northern District of Illinois  Jurisdiction: 7<sup>th</sup> Circuit  Year filed: 2016</p>	<p>Complaint filed April 11, 2016 in the United States District Court for the Northern District of Illinois. No responsive pleading yet filed.</p>	
<p><i>Miller v. Bon Secours Health Sys., Inc.</i>,  District Court: District of Maryland  Jurisdiction: 4th Circuit  Year filed: 2016</p>	<p>Complaint filed April 18, 2016 in the United States District Court for the District of Maryland. No responsive pleading yet filed.</p>	
<p><i>Nicholson v. Franciscan Missionaries of Our Lady Health Systems, Inc.</i>  District Court: Middle District of Louisiana.  Jurisdiction: 11<sup>th</sup> Circuit  Year filed: 2016</p>	<p>Complaint filed April 21, 2016 in the United States District Court for the Middle District of Louisiana. No responsive pleading yet filed.</p>	
<p><i>Jewett v. Franciscan Alliance, et al.</i>  District Court: Northern District of Illinois  Jurisdiction: 7<sup>th</sup> Circuit  Year filed: 2016</p>	<p>Complaint filed April 22, 2016 in the United States District Court for the Northern District of Illinois. No responsive pleading yet filed.</p>	