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January 25, 2012 Blog

Ninth Circuit: What Happens When the Plaintiff is not a Plan "Participant"? Move to Dismiss for Lack of Subject Matter Jurisdiction? Think Again.

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Courts had dismissed ERISA cases for lack of subject matter jurisdiction when the plaintiff was not a plan "participant, beneficiary or fiduciary." *Harris v. Provident Life Accident Ins. Co.*, 26 F.3d 930, 934 (9th Cir. 1994). Not any more in the Ninth Circuit. The issue is now merely an element of the ERISA case. Rather...