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ERISA: Seven Tips on Whether Equitable Defenses Can Defeat Subrogation Claims for Overpayment After Tort Settlement

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ERISA plans and related disability or health policies contain language granting the right to reimbursement of overpayments made to the claimant. Overpayments usually occur when the claimant receives lump sum Social Security benefits, or the claimant receives a tort settlement. Can the claimant oppose repaying the overpayment by asserting equitable defenses? Maybe. Here's the case...