

**08-810 CONKRIGHT V. FROMMERT**

DECISION BELOW:535 F.3d 111

LOWER COURT CASE NUMBER: 07-0418

**QUESTIONS PRESENTED:**

1. Whether the Second Circuit erred in holding, in conflict with decisions of this Court and other Circuits, that a district court has no obligation to defer to an ERISA plan administrator's reasonable interpretation of the terms of the plan if the plan administrator arrived at its interpretation outside the context of an administrative claim for benefits.

2. Whether the Second Circuit erred in holding, in conflict with decisions of other Circuits, that a district court has "allowable discretion" to adopt any "reasonable" interpretation of the terms of an ERISA plan when the plan interpretation issue arises in the course of calculating additional benefits due under the plan as a result of an ERISA violation.

CERT. GRANTED 6/29/2009