

Strategies for Enforcing the Mental Illness Limitation under De Novo Review

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Today's ERISA disability policies almost universally contain limitations capping payment on disability claims that involve mental illness.These limitations serve to provide a framework of expectations to both policyholders and insureds for disabilities that are otherwise amorphous and difficult to adjudicate from
a claims perspective. Needless to say, mental illness limitations are extremely unpopular with the ERISA plaintiff's bar once litigation commences.

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