

Supreme Court to Review ERISA Statute of Limitations Case

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In late 2018, in [*Sulyma v. Intel Corporation Investment Policy Committee*](#), the Ninth Circuit Court of Appeals held that a plaintiff's access to documents disclosing an alleged breach of fiduciary duty did not trigger the Employee Retirement Income Security Act's (ERISA) statute of limitations. According to the court, actual knowledge is required to start the limitations period. The plaintiff testified that he was not aware of the investments at issue or the documents disclosing the investments, therefore, he did not have sufficient knowledge of the alleged breach.

After the Ninth Circuit's decision, the defendants submitted a petition for a writ of certiorari regarding whether ERISA's three-year statute of limitations "bars suit where all of the relevant information was disclosed to the plaintiff by the defendants more than three years before the plaintiff filed the complaint, but the plaintiff chose not to read or could not recall having read the information." The Supreme Court of the United States granted the defendants' petition for certiorari on June 10, 2019.

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