

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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UNUM LIFE INSURANCE COMPANY OF  
AMERICA,

Plaintiff,

v.

LISA C. SPERLE,

Defendant.

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ORDER

17-cv-440-jdp

On June 13, 2017, the court ordered plaintiff Unum Life Insurance Company of America to explain how its claims against defendant Lisa C. Sperle arise under ERISA. Dkt. 3. The court afforded Unum the opportunity to file an amended complaint that establishes the court's subject matter jurisdiction.

Unum has filed an amended complaint. Dkt. 4. Now Unum alleges that its claims arise under 29 U.S.C. § 1132(a)(3), which provides that “a participant, beneficiary, or fiduciary” may bring a civil action under ERISA “(A) to enjoin any act or practice which violates any provision of this subchapter or the terms of the plan, or (B) to obtain other appropriate equitable relief (i) to redress such violations or (ii) to enforce any provisions of this subchapter or the terms of the plan.” And Unum had added a claim for an “equitable lien,” alleging that “[e]quity demands that a constructive trust be placed over the overpaid [long term disability] benefits and/or any real or personal property obtained by Defendant through use of the overpaid LTD benefits.” *Id.* ¶ 23.

Unum brings claims against Sperle for violations of and to enforce the terms of an employee benefit plan that it administers, and it seeks equitable relief. At this point, Unum

has alleged a basis for the court's subject matter jurisdiction, and the court accepts Unum's amended complaint.

Entered July 24, 2017.

BY THE COURT:

/s/

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JAMES D. PETERSON  
District Judge