

United States Court of Appeals  
For the Eighth Circuit

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No. 20-1271

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John L. Daugherty, M.D.

*Plaintiff - Appellant*

v.

Unum Group, doing business as Unum Group Corporation; Paul Revere Life  
Insurance Company

*Defendants - Appellees*

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Appeal from United States District Court  
for the Eastern District of Arkansas - Little Rock

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Submitted: December 14, 2020  
Filed: December 17, 2020  
[Unpublished]

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Before LOKEN, WOLLMAN, and KOBES, Circuit Judges.

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PER CURIAM.

Dr. John Daugherty appeals following the district court's<sup>1</sup> adverse grant of summary judgment in his diversity action seeking additional long-term disability

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<sup>1</sup>The Honorable James M. Moody Jr., United States District Judge for the Eastern District of Arkansas.

benefits. Upon careful de novo review, see Smith v. Toyota Motor Corp., 964 F.3d 725, 728 (8th Cir. 2020) (standard of review), we affirm. We agree that Daugherty's claims were time-barred under the 3-year contractual limitations period, see Wilkins v. Hartford Life & Accident Ins. Co., 299 F.3d 945, 948-49 (8th Cir. 2002) (action seeking disability benefits was time-barred under 3-year limitations period stated in policy); and that the longer limitations period in Ark. Code Ann. § 23-79-202 was inapplicable, as the disability insurance policies at issue were not property insurance, see Ark. Code Ann. §§ 23-62-103 (defining accident and health insurance), 23-62-104 (defining property insurance); JPMorgan Chase Bank, N.A. v. Johnson, 719 F.3d 1010, 1015 (8th Cir. 2013) (under Arkansas law, first rule in determining meaning of statute is to construe it just as it reads, giving words their ordinary and usually accepted meaning).

The judgment is affirmed. See 8th Cir. R. 47B.

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