

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

KIMBERLY McCOY,)	
)	
Plaintiff,)	
)	CIVIL ACTION NO.
v.)	2:15cv723-MHT
)	(WO)
MALLINCKRODT)	
PHARMACEUTICALS, INC.;)	
et al.,)	
)	
Defendants.)	

OPINION

Plaintiff Kimberly McCoy filed this lawsuit against defendants Mallinckrodt Enterprises, LLC, Life Insurance Company of North America ("LINA"), and Cigna Corporation ("Cigna") asserting that they improperly denied her claims for disability benefits in violation of the Employee Retirement Income Security Act of 1974, as amended, 29 U.S.C. § 1001, et seq. This lawsuit is now before the court on the recommendation of the United States Magistrate Judge that Cigna's motion to dismiss be granted and LINA's motion to dismiss denied. Also before the court are LINA's objections to the

recommendation. There are no objections to the recommendation that Cigna's motion to dismiss be granted. After an independent and de novo review of the record, the court concludes that LINA's objections should be overruled and the magistrate judge's recommendation adopted. LINA is, of course, free to make the arguments in its motion to dismiss again after discovery.

An appropriate judgment will be entered.

DONE, this the 14th day of April, 2016.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE