

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
EL DORADO DIVISION

MICHAEL SHANE ATKINS

PLAINTIFF

VS.

CASE NO. 08-CV-1014

THE PRUDENTIAL INSURANCE COMPANY
OF AMERICA and UNITRIN, INC. LONG
TERM DISABILITY PLAN

DEFENDANTS

ORDER

Plaintiff Michael Atkins filed a complaint against Defendants The Prudential Insurance of America (“Prudential”) and the Unitrin, Inc. Long Term Disability Plan pursuant to the Employee Retirement Income Security Act of 1974, 29 U.S.C. § 1001 *et seq.*, alleging that Prudential abused its discretion in discontinuing Plaintiff’s disability benefits. This matter is now before the Court on Plaintiff’s Motion for Summary Judgment. (Doc. 14). Defendants have responded. (Doc. 17).

Based on the reasons set forth in the Memorandum Opinion of even date, the Court finds that Prudential did not abuse its discretion in discontinuing Plaintiff’s long term disability benefits based on its conclusion that Plaintiff no longer suffered from a disability as defined by the Unitrin, Inc. Long Term Disability Plan. Therefore, Plaintiff’s claims against Defendants The Prudential Insurance of America and the Unitrin, Inc. Long Term Disability Plan are dismissed with prejudice.

IT IS SO ORDERED, on this 30th day of September, 2009.

/s/ Harry F. Barnes
Hon. Harry F. Barnes
United States District Judge