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10 UNITED STATES DISTRICT COURT
 11 CENTRAL DISTRICT OF CALIFORNIA

11 MASSACHUSETTS MUTUAL LIFE)	Case No.: CV 08-1041-R
12 INSURANCE COMPANY)	
)	
13 Plaintiff,)	JUDGMENT
)	
14 vs.)	
)	
15 LETANTIA B. BUSSELL, an individual, and)	
16 THE UNITED STATES OF AMERICA, and)	
17 DOES 1 through 20,)	
)	
18 Defendants.)	
)	
19 <hr/>)	
20 <u>AND RELATED COUNTER-CLAIM</u>)	

21 This action came on for hearing before the Court on October 6, 2008 on Plaintiff
 22 MASSACHUSETTS MUTUAL LIFE INSURANCE COMPANY's Motion for Summary
 23 Judgment or, in the Alternative, Partial Summary Judgment, the Honorable Manuel L. Real,
 24 District Court Judge presiding. The evidence presented having been fully considered, the issues
 25 having been duly heard, and a decision having been duly rendered,

26 IT IS HEREBY ORDERED AND ADJUDGED as follows: (1) Defendant Letantia B.
 27 Bussell take nothing from her Counterclaim cause of action against Plaintiff
 28 MASSACHUSETTS MUTUAL LIFE INSURANCE COMPANY for breach of her policies of

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1 disability income insurance and business overhead expense insurance arising from her total
2 disability claims; (2) Defendant Letantia B. Bussell take nothing from her Counterclaim cause of
3 action against Plaintiff MASSACHUSETTS MUTUAL LIFE INSURANCE COMPANY for
4 breach of the implied covenant of good faith and fair dealing in those insurance contracts; and
5 that (3) Judgment in favor of Plaintiff MASSACHUSETTS MUTUAL LIFE INSURANCE
6 COMPANY be entered on its Complaint cause of action for declaratory relief because Defendant
7 Bussell has breached the Required Proof provisions of her disability income and business
8 overhead expense policies and failed to satisfy the preconditions required for insurance coverage
9 and, in so doing, has actually and substantially prejudiced Plaintiff from developing the
10 information it reasonably requires to investigate and assess coverage for her claims. No right to
11 policy benefits thus exists or can arise from Defendant Bussell's claims under her disability
12 income policy or business overhead expense policy.

13 Plaintiff MASSACHUSETTS MUTUAL LIFE INSURANCE COMPANY's cause of
14 action in its Complaint for interpleader is dismissed as moot. Plaintiff MASSACHUSETTS
15 MUTUAL LIFE INSURANCE COMPANY may recover its costs.

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18 DATED: __November 03, 2008__


HONORABLE MANUEL L. REAL
United States District Court Judge

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