

1 CHARLES N. BLAND, SBN: 91563
2 BLAND, NAVARRO & WEBER LLP
3 444 South Flower Street, Suite 2160
4 Los Angeles, California 90071
5 Phone: (213) 833-7990; Fax: (213) 833-7997
6 Email: cbland@bbnwlaw.com

JS-6

7 J. TIMOTHY Mc DONALD, GA Bar No.: 489420
8 THOMPSON HINE LLP
9 Two Alliance Center
10 3560 Lenox Road, Suite 1600
11 Atlanta, Georgia 30326
12 Phone: (404) 541-2900; Fax: (404) 541-2905
13 Email: tim.mcdonald@thompsonhine.com
14 Attorneys for Defendants Delta Family-Care
15 Disability & Survivorship Plan, Delta Air Lines,
16 Inc., and Delta Retirement Plan

17 UNITED STATES DISTRICT COURT
18 CENTRAL DISTRICT OF CALIFORNIA

19 PETAR MRKONJIC,

Case No. CV 10-2087 GAF(JCx)

20 Plaintiff,

JUDGMENT

21 v.

22 DELTA FAMILY-CARE AND
23 SURVIVORSHIP PLAN, an ERISA
24 PLAN; DELTA AIR LINES, INC., a
25 corporation; DELTA RETIREMENT
26 PLAN, an ERISA plan, The
27 Administrative Committee of Delta Air
28 Lines, Inc., previously named as DOE
3, a plan administrator, DOES 1
through 10, inclusive,

Defendants.

29 This Court hereby enters judgment pursuant to Federal Rule of Civil
30 Procedure 58 against the Delta Family-Care Disability and Survivorship Plan and
31 the Administrative Committee of Delta Air Lines, Inc., as to Counts I and IV of the
32 Fourth Amended Complaint, and against the Delta Retirement Plan and the
33 Administrative Committee of Delta Air Lines, Inc., as to Count II of the Fourth
34 Amended Complaint as described here. The Court awards Plaintiff a remand of his

1 long-term disability benefit claim under the Delta Family-Care Disability &
2 Survivorship Plan for the recalculation of the offsets applied to the long-term
3 disability benefit amount he was awarded from September 23, 2004, forward. On
4 remand, the recalculation of offsets must eliminate any offset for the receipt of
5 benefits under the Delta Retirement Plan, and any offset for the receipt of the
6 attorney's-fees portion of his worker's-compensation award. The recalculation
7 must also consider whether his Social Security offset used the appropriate rates and
8 whether all of his remaining worker's-compensation award should be considered as
9 part of his offset.

10 The Retirement Plan is further ordered to rescind Plaintiff's retirement
11 election and permit him, at a future date, to retire, consistent with the terms of the
12 Delta Retirement Plan, its administrative practices, and applicable law. The amount
13 of the offset for Plaintiff's Delta Retirement Plan benefits that is eliminated shall
14 not be paid to Plaintiff, but shall be transferred from the applicable Trust for the
15 Delta Family-Care Disability & Survivorship Plan to the applicable Trust for the
16 Delta Retirement Plan.

17 The Administrative Committee's consideration of these issues on remand
18 shall be treated as if it was an appeal received by the Administrative Committee on
19 the date this Judgment is entered on the docket pursuant to the Administrative
20 Committee's normal process for hearing appeals.

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

1 Judgment is further entered in favor of Defendants Delta Air Lines, Inc., Doe
2 1 (Life Insurance Plan), and Doe 2 (Accident Insurance Plan)) the Delta Retirement
3 Plan and the Administrative Committee of Delta Air Lines, Inc., as to Count III of
4 the Fourth Amended Complaint, in favor of the Delta Family-Care Disability
5 Survivorship Plan and the Administrative Committee of Delta Air Lines, Inc., as to
6 Count V of the Fourth Amended Complaint.

7
8 Dated: April 14, 2014.



10
11

The Honorable Gary A. Feess
12 UNITED STATES DISTRICT JUDGE

13 **JS-6**
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28