

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

JS-6

CHAD AMERINE, an individual,

Plaintiff,

v.

DSW, INC.; DSW, INC., BENEFIT
PLAN; and DOES 1-10, inclusive;

Defendants.

Case No. 2:16-CV-05792 ODW (PJWx)

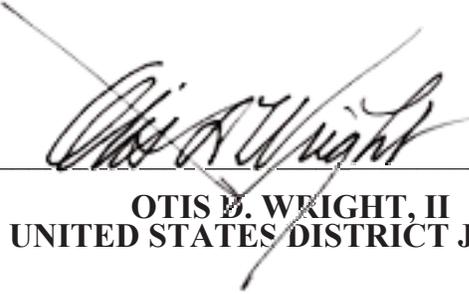
~~[PROPOSED]~~ JUDGMENT

On April 2, 2018, the Court issued its Findings of Fact and Conclusions of Law after the parties simultaneously moved for judgment, and after the Court ordered on July 10, 2017 that this case would be governed by the abuse of discretion standard of review. The Court concluded that Defendants DSW, INC. and DSW, INC. BENEFIT PLAN did not abuse their discretion in denying Plaintiff CHAD AMERINE’s claim for benefits for costs associated with a cochlear implant on the ground that the implant was not medically necessary under the terms of the Plan and its cochlear implant policy.

1 It is therefore **ORDERED, ADJUDGED, and DECREED** that judgment be
2 entered in favor of Defendants DSW, INC. and DSW, INC., BENEFIT PLAN, and
3 against Plaintiff CHAD AMERINE.

4
5 **IT IS SO ORDERED.**

6
7 April 13, 2018

8
9
10 
11 **OTIS B. WRIGHT, II**
12 **UNITED STATES DISTRICT JUDGE**

13 Proposed Judgment.docx