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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

LORRAINE LOW-IACOVINO,

Plaintiff,

vs.

Case No. 2-16-cv-06614-AB-GJS

JUDGMENT

THE BENEFIT PLAN COMMITTEE OF
THE NONBARGAINED PROGRAM OF
THE AT&T PENSION BENEFIT PLAN,
FIDELITY SERVICE CENTER, and
DOES 1-10,

Hon. ANDRÉ BIROTTE, JR.
United States District Judge

Defendants.

The above-entitled cause came on regularly for bench trial on December 12, 2017, before the Honorable André Birotte, Jr., United States District Judge. Plaintiff Lorraine Low Iacovino appeared through her counsel of record, Mark H. Boykin. Defendants sued herein as The Benefit Plan Committee of the Nonbargained Program of the At&t Pension Benefit Plan and Fidelity Services Center through their counsel of record, Stacey A. Campbell, Campbell Litigation. This matter arising under the Employee Retirement Income Security Act, 29 U.S.C. §1001, *et seq.*, this Court has original jurisdiction over the subject matter herein pursuant to 28 U.S.C. §1331 and 29

1 U.S.C. §1132(e)(2). Venue is proper in the Central District
2 of California as one or more parties is domiciled in said
3 District.

4 The Court, having reviewed the administrative record
5 submitted by the parties, having read and considered the trial
6 and reply briefs submitted by both sides and having heard oral
7 argument from counsel for all parties and, further, having
8 issued its Findings of Facts and Conclusions of Law dated
9 December 20, 2017, and good cause appearing, judgment is
10 entered in favor of plaintiff and against defendants as set
11 forth, *infra*.

12 IT IS ORDERED, ADJUDGED AND DECREED that plaintiff
13 Lorraine Low Iacovino, as the surviving spouse of RANDY
14 IACOVINO, deceased, is entitled to receive the Joint and
15 Survivor Annuity pursuant to 29 U.S.C. §1055 from the date of
16 the death of the decedent, December 11, 2014, with interest,
17 and continuing for the rest of her life. Defendants The
18 Benefit Plan Committee of the Nonbargained Program of the At&t
19 Pension Benefit Plan and Fidelity Services shall calculate and
20 pay to plaintiff said annuity as provided by law, regulation
21 and the terms of the Plan.

22 IT IS FURTHER ORDERED that defendants may withhold from
23 the annuity payment to plaintiff the sum of \$5,082.14 as the
24 amount erroneously overpaid to the decedent during his
25 lifetime under the ten-per-cent enhancement of benefits in the
26 Management Retirement Opportunity which allowed him to retire
27 at an earlier age than that provided in the Plan and which
28 should have terminated when he attained age sixty-two.

1 IT IS FURTHER ORDERED that defendants shall not withhold
2 the sum of \$47,064.21, or any other sum, claimed to have been
3 overpaid to the decedent during his lifetime as a result of
4 defendants having paid him as a single-life annuitant rather
5 than a joint annuitant.

6 IT IS FURTHER ORDERED that the allowance and the amount
7 of an award of attorneys fees and costs to plaintiff is
8 deferred and shall be the subject of a separate Order.

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10 Dated: January 25, 2018



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André Birotte Jr.
United States District Judge