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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

Diana Cole Cherry,
Plaintiff,
vs.
Richard P. McKenney,
Defendant.

Case No. 2:16-cv-07467-SVW-PLA

JUDGMENT

JS-6

The Motion for Summary Judgment (“Motion”) of Unum Life Insurance Company of America (erroneously sued through Richard P. McKenney) (collectively referred to as “Unum”) came on before the Honorable Stephen V. Wilson of the above-entitled Court.

1 After full consideration of the moving, opposition and reply papers, the
2 Memorandum of Points and Authorities submitted by all parties, the Request for
3 Judicial Notice, the Declarations filed in support of and in opposition to the Motion,
4 the exhibits attached thereto, and in accordance with this Court's Order Granting
5 Unum's Motion entered on April 26, 2017, the Court finds that Plaintiff Diana Cole
6 Cherry's ("Plaintiff") state law claims are preempted by the Employee Retirement
7 Income Security Act of 1974 ("ERISA"), 29 U.S.C. § 1001, *et seq.*, and Plaintiff is
8 unable to state a claim under ERISA.

9 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Unum's
10 Motion for Summary Judgment is GRANTED.

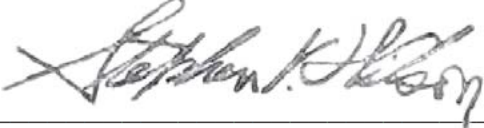
11 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Plaintiff's
12 Complaint is dismissed with prejudice with respect to all claims for relief.

13 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Plaintiff
14 takes nothing on her Complaint, and no benefits or damages are payable to Plaintiff.

15 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that judgment is
16 entered in favor of Unum and against Plaintiff.

17 **IT IS SO ORDERED.**

18
19 Dated: May 15, 2017



Hon. Stephen V. Wilson
United States District Court Judge