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Note Changes by Court

JS-6

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

LONNY R. WESTERN,
Plaintiff,
vs.
UNUM LIFE INSURANCE COMPANY
OF AMERICA; THE AEROSPACE
CORPORATION; THE AEROSPACE
CORPORATION LONG TERM
DISABILITY PLAN; DOES 1 through
10, inclusive,
Defendants.

Case No. 2:16-cv-09527 JFW (ASx)
(Honorable John F. Walter)

**JUDGMENT IN FAVOR OF
DEFENDANT UNUM LIFE
INSURANCE COMPANY OF
AMERICA**

Complaint Filed: December 25, 2016

1 **JUDGMENT**

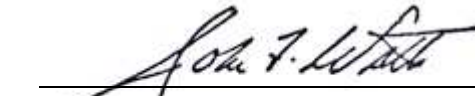
2 The Court Trial of the above-captioned case took place before this Court on
3 March 16, 2018, the Honorable John F. Walter, District Judge presiding. Appearances
4 for Plaintiff Lonny R. Western (“Western”) and Defendant Unum Life Insurance
5 Company of America (“Unum”) were noted in the record.

6 After considering the information contained in the Administrative Record, the
7 parties’ respective Opening and Responsive Trial Briefs and Post-Trial Briefs, the
8 parties’ Joint Glossary of Medical Terms, the parties’ respective pre- and post-trial
9 proposed findings of fact and conclusions of law (as well as the parties’ respective
10 objections and responses thereto), the arguments of counsel, and all other matters
11 presented to the Court, and for good cause appearing, this Court finds, based on its *de*
12 *novo* review of Unum’s denial of Western’s claims for benefits under the subject
13 ERISA plan and for the reasons set forth in the Court’s Amended Findings of Fact
14 and Conclusions of Law, that Western failed to establish that he is disabled and
15 therefore entitled to further benefits under the terms of the plan. The Court also finds
16 that Western failed to state a breach of fiduciary duty claim upon which relief can be
17 granted. Accordingly, Judgment should be entered in favor Unum.

18 THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED AS
19 FOLLOWS:

- 20 1. That Judgment shall be entered forthwith in favor of Unum and against
21 Western;
- 22 2. That Western be granted no relief in this action; and
- 23 3. That Unum shall be entitled to recover from Western its costs of suit
24 incurred in this case.

25 DATED: July 11, 2018

26 
27 THE HONORABLE JOHN F. WALTER
28 UNITED STATES DISTRICT JUDGE