

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. 2:17-cv-07766-RGK-JEM Date October 25, 2018

Title *Gabe McCool v. Life Insurance Company of North America, et al.*

Present: The Honorable R. GARY KLAUSNER, UNITED STATES DISTRICT JUDGE

Sharon L. Williams

Not Reported

N/A

Deputy Clerk

Court Reporter / Recorder

Tape No.

Attorneys Present for Plaintiff:

Attorneys Present for Defendant:

Not Present

Not Present

Proceedings: (IN CHAMBERS) Order to Show Cause

Both parties assume that the Court should apply a de novo standard of review. That said, the insurance company in this case is arguably operating under a conflict of interest but has clear discretionary authority to interpret the policy. (Policy at 16, Administrative Record 1117, ECF No. 43-7.) Because the plan document confers discretionary authority to LINA, the standard of review may be abuse of discretion. *See Firestone Tire & Rubber Co. v. Bruch*, 489 U.S. 101, 115 (1989); *Carrillo v. Life Insurance Company of North America*, No. CV-09-8277-DMG-JEMx, 2010 WL 11597439, at *2 (C.D. Cal. Aug. 30, 2010); *Murphy v. Life Insurance of North America*, No. CV 04-8726-AHM-FMOx, 2006 WL 8434032, at *3 (C.D. Cal. Jan. 30, 2006). Accordingly, the Court requires supplemental briefing as to why it should not apply the abuse of discretion standard. Parties have until November 1, 2018 to submit supplemental briefing, no more than five (5) pages in length each.

IT IS SO ORDERED.

Initials of Preparer

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