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8 GREAT-WEST LIFE & ANNUITY INSURANCE COMPANY

9 **UNITED STATES DISTRICT COURT**  
10 **CENTRAL DISTRICT OF CALIFORNIA – EASTERN DIVISION**

11  
12 JUAN M. BENITEZ, JOSEPHINA  
13 BENITEZ

14 Plaintiffs,

15 vs.

16 GREAT-WEST LIFE & ANNUITY  
17 INSURANCE COMPANY, a Colorado  
18 Corporation; DOES 1-10, inclusive,

19 Defendants.

CASE NO. EDCV07-01507 SGL (JCRx)

**AMENDED  
JUDGMENT**

DATE: October 27, 2008

TIME: 10:00 a.m.

CTRM: 1

20 The Motions of Plaintiffs Juan M. Benitez and Josephina Benitez (collectively  
21 “Plaintiffs”) for Summary Judgment [Docket No. 13] and of Defendant Great-West  
22 Life & Annuity Insurance Company (“Defendant”) for Summary Judgment or, in the  
23 Alternative, For Order Determining Material Facts to Be Without Substantial  
24 Controversy [Docket No. 14], having come on for hearing on October 27, 2008, and  
25 the Court having reviewed the papers in support of and in opposition to said  
26 Motions.

27 IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT Plaintiffs’  
28 Motion for Summary Judgment is Denied.

1 IT IS HEREBY FURTHER ORDERED, ADJUDGED AND DECREED  
2 THAT Defendant's Motion for Summary Judgment is Granted with respect to all of  
3 Plaintiffs' claims. This Court's Order dated October 27, 2008 denying Plaintiffs'  
4 Motion for Summary Judgment and granting Defendant's Motion for Summary  
5 Judgment is attached hereto as Exhibit 1 and incorporated by this reference.

6 Accordingly, the Court finds that there is no genuine issue as to any material  
7 fact, that Great-West is entitled to judgment as a matter of law, and that Plaintiffs'  
8 Complaint has no merit.

9 It is therefore ordered, adjudged and decreed as follows:

- 10 (1) Plaintiffs' Complaint herein is dismissed with prejudice; and  
11 (2) Great-West shall recover its costs of suit incurred herein.

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13 DATED: November 12, 2008



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14 HONORABLE STEPHEN G. LARSON  
15 UNITED STATES DISTRICT JUDGE  
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