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

RUTH DUARTE, an individual,

Plaintiff,

v.

AETNA LIFE INSURANCE
COMPANY and DOES 1-10,
inclusive,

Defendant.

Case No. SACV 13-00492-JLS (RNBx)

JUDGMENT

Judge: Josephine L. Staton
Ctm.: 10A (Santa Ana)

TO THE COURT, ALL PARTIES, AND THEIR ATTORNEYS OF
RECORD:

Judgment shall be entered in favor of Ruth Duarte (“Plaintiff”) and against
Defendant Aetna Life Insurance Company (“Aetna”) as follows:

1. Plaintiff was insured under a disability insurance policy issued by Aetna in which Plaintiff was a participant. The plan provided short-term (“STD”) and long-term disability (“LTD”) benefits.
2. Plaintiff’s pre-disability annual base salary for benefits purposes was \$139,602.

1 3. Pursuant to the Findings of Fact and Conclusions of Law (Docket No.
2 33), the Court has ruled that Plaintiff is entitled to short-term disability benefits
3 from Aetna from August 3, 2012, through December 2, 2012.

4 4. There is a seven-day elimination period. After that, the benefit
5 amount is \$2,147.72 per week (80% weekly rate) for twelve weeks. After that,
6 \$1,610.79 per week (60% weekly rate) is payable for thirteen more weeks. After
7 that, the benefit is \$6,980.10 (60% monthly rate) per month.

8 5. From August 3, 2012, through September 2, 2012, the benefits due are
9 \$2,147.72 per week less \$1,011.00 received by Plaintiff from California State
10 Disability (“SDI”). The first weekly period is four days, so that week the amount
11 due after the SDI offset is \$216.27 ($(\$2,147.72 * 4 / 7) - \$1,011$). The amount due
12 for the next four weeks after the SDI offset is \$1,136.72 per week ($\$2,147.72 -$
13 $\$1,011$), for a total of \$4,546.89 ($\$1,136.72 * 4$). The total owed by Aetna for
14 August 3, 2012, through September 2, 2012, is therefore \$4,763.16 ($\$216.27 +$
15 $\$4,546.89$).

16 6. From September 3, 2012, through December 2, 2012, the benefits due
17 are \$1,610.79 per week less \$1,011.00 received by Plaintiff from California State
18 Disability, for a net weekly amount of \$599.79 ($\$1,610.79 - \$1,011.00$). The total
19 owed by Aetna for September 3, 2012, through December 2, 2012, is therefore
20 \$7,797.30 ($\$599.79 * 13$).

21 7. The net amount of STD benefits owed to Plaintiff by Aetna is
22 therefore \$12,560.46 ($\$4,763.16 + \$7,797.30$).

23 8. Therefore, the Court orders Judgment in favor of Plaintiff and against
24 Aetna on the STD benefits in the amount of \$12,560.46.

25 9. As for LTD benefits, the Court has ruled that the determination of
26 LTD benefits is remanded to Aetna so that it can re-review Plaintiff’s medical
27 evidence and determine, in good faith, whether she qualifies for LTD benefits.
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10. Plaintiff is granted leave to file a motion for attorneys' fees, costs, and interest.

SO ORDERED:



DATED: May 19, 2014

Honorable Josephine L. Staton
United States District Judge