

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

JAMES FRANK,

CASE NO. CV-F-08-284- LJO-GSA

Plaintiff,

AMENDED JUDGMENT

vs.

WILBUR-ELLIS COMPANY SALARIED
EMPLOYEES LTD PLAN and LIFE
INSURANCE COMPANY OF NORTH
AMERICA,

Defendants.

This action was set for court trial on June 16, 2009, before the Honorable Lawrence J. O'Neill, United State District Judge for the Eastern District of California. Based on its review of the record and trial briefs, the Court determined and advised the parties that oral argument was unnecessary to resolve the relevant issues presented. Neither side requested oral argument. The evidence presented having been fully considered, the issues having been fully briefed by both sides, the Court rendered its Trial Decision on June 25, 2009, ruling in favor of Plaintiff JAMES R. FRANK and against Defendants LIFE INSURANCE COMPANY OF NORTH AMERICA ("LINA"), and WILBUR-ELLIS COMPANY SALARIED EMPLOYEES LTD PLAN. For the reasons described therein, this Court ORDERS AND ADJUDGES as follows:

1. Defendant LIFE INSURANCE COMPANY OF NORTH AMERICA ("LINA") shall REINSTATE Plaintiff's long-term disability (LTD) and life insurance premium benefits;

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

2. Plaintiff JAMES R. FRANK shall RECOVER from Defendant LIFE INSURANCE COMPANY OF NORTH AMERICA the sum of **\$54,651.36**, reflecting \$33,420.00 for past long-term disability benefits, plus prejudgment interest in the amount of \$1,900.19; and \$18,189.50 for past premiums paid, plus prejudgment interest in the amount of \$1,141.67; together with interest thereon at the prevailing lawful rate from the date of entry of judgment until paid; and

3. Plaintiff JAMES R. FRANK shall recover from Defendant LIFE INSURANCE COMPANY OF NORTH AMERICA the sum of **\$135,425** in attorneys' fees, and the sum of **\$2,286.17** in costs.

IT IS SO ORDERED.

Dated: August 18, 2009

/s/ Lawrence J. O'Neill
UNITED STATES DISTRICT JUDGE