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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

LEANNE MACK,

Plaintiff,

v.

DEARBORN NATIONAL LIFE
INSURANCE COMPANY, and DOES 1
to 100,

Defendant.

No. 2:14-cv-01665-KJM-DAD

CONSENT ORDER

WHEREAS, Plaintiff LEANNE MACK ("Plaintiff") filed her Complaint in this matter for long term disability benefits under the Employee Retirement Income Security Act of 1974 ("ERISA") 29 U.S.C. § 1001, *et. seq.*;

WHEREAS, Defendant Dearborn National Life Insurance Company ("Dearborn") denies the allegations contained in the Complaint;

WHEREAS Dearborn provides claim administration services to Leanne Mack's employer and provides long-term disability insurance to eligible participants in accordance with the Long-Term Disability policy underwritten by Dearborn;

WHEREAS, the Plaintiff and Defendant seek to resolve the issues now joined in this matter on the merits and expediently;

1 WHEREAS, the parties have reported that Plaintiff's claim for own occupation
2 disability benefits has been fully and finally resolved pursuant to the terms of a confidential
3 settlement agreement;

4 WHEREAS, nothing herein shall be deemed to alter or adversely affect plaintiff's
5 right to seek further long term disability benefits in accordance with the terms of the Plan; and

6 WHEREAS the parties now jointly submit this Consent Order for approval of and
7 entry by the Court;

8 NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND
9 DECREED:

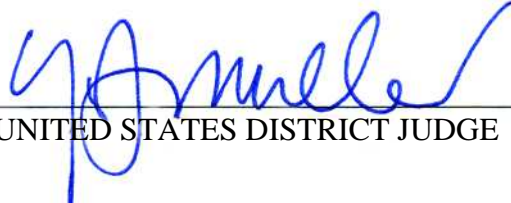
10 1. The Complaint of Plaintiff LEANNE MACK is hereby dismissed without
11 prejudice and without fees and costs with respect to any and all claims for continuing long term
12 disability benefits under the any occupation definition of disability;

13 2. This case shall be remanded to Dearborn for determination of plaintiff's
14 eligibility for receipt of long-term disability benefits under the any occupation portion of the
15 long-term disability policy at issue. In making this determination Dearborn shall possess the right
16 to conduct an independent medical examination of plaintiff and shall consider any and all medical
17 records currently in its possession and any additional records submitted by plaintiff covering
18 medical care for the period of time from January 2, 2013 to September 30, 2015 in addition to any
19 other usual activities it would undertake to evaluate such a claim; and

20 3. This Court will retain jurisdiction for the purposes of enforcing the agreement
21 between the parties concerning the settlement and resolution of plaintiff's claim for her own
22 occupation long term disability benefits.

23 IT IS SO ORDERED.

24 DATED: September 16, 2015.

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26 
27 UNITED STATES DISTRICT JUDGE
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