

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MIRELLA HARRISON,
Plaintiff,

v.

METROPOLITAN LIFE INSURANCE
COMPANY, et al.,
Defendants.

Case No. 13-cv-05585-VC

**ORDER RE PLAINTIFF'S
SUPPLEMENTAL SUBMISSION**

As discussed at the hearing, Harrison should file a supplemental submission that:

1. Distinguishes between fees and costs arising from Harrison's "any occupation" administrative proceedings, and those arising from the litigation and administrative proceedings (if any) that took place after the lawsuit was filed relating to Harrison's contention that she was unable to perform her "own occupation";
2. Bills paralegals' clerical work at an appropriate clerical rate.

In addition, the Court is tentatively of the view that a 10% prejudgment interest rate is too high to compensate Harrison for the losses she incurred as a result of the Plan's nonpayment of benefits. *See Dishman v. UNUM Life Ins. Co.*, 269 F.3d 974, 988 (9th Cir. 2001). For this reason, Harrison's supplemental filing should calculate a prejudgment interest rate consistent with 28 U.S.C. § 1961. If Harrison believes that this is not the appropriate measure of prejudgment interest, she may also make an argument to that effect, but only after calculating the interest rate under section 1961.

If the defendants wish to respond to Harrison's supplemental submission, they may do so

within seven days of that submission's filing date.

IT IS SO ORDERED.

Dated: May 5, 2016



VINCE CHHABRIA
United States District Judge