

United States District Court
Northern District of California

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

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DAVE NAGY,
Plaintiff,
v.
GROUP LONG TERM DISABILITY PLAN
FOR EMPLOYEES OF ORACLE
AMERICA, INC., et al.,
Defendants.

Case No. [14-cv-00038-HSG](#)

**ORDER REGARDING JUDGMENT
FOR “OWN OCCUPATION” BENEFITS**

On June 9, 2016, this Court entered judgment awarding Plaintiff, Dave Nagy, \$31,106.70 in benefits plus \$5,000 prejudgment interest, and remanding this case to Defendants for consideration of additional benefits under the “any occupation” definition of disability. This judgment was appealed by Defendants to the Ninth Circuit Court of Appeals. On September 9, 2016, Defendants posted \$50,000 cash with the Clerk of this Court to secure payment of the judgment. On June 21, 2018, the Ninth Circuit issued its Memorandum in which it affirmed this judgment, but reversed and remanded the related appeal on attorney’s fees. A mandate issued from the Ninth Circuit on July 16, 2018. The parties have met and conferred, Dkt. No. 171, and state that they agree as follows:

The Clerk shall pay the sum of \$36,106.70 plus post-judgment interest of \$1,217 for a total of \$37,323.70 from the \$50,000 deposited by Defendants on September 9, 2016, payable to Dave Nagy, and delivered to Mr. Nagy’s counsel, Laurence F. Padway. The Clerk shall remit the balance of the deposit to Defendants, by delivery to Michael B. Bernacchi, counsel for Defendants.

//


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

Upon payment being made by the Clerk, the judgment of June 9, 2016, shall be satisfied.

The Clerk is directed to close the case.

IT IS SO ORDERED.

Dated: 8/22/2018


HAYWOOD S. GILLIAM, JR.
United States District Judge