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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

TERESA E. NEATHERY, an individual,

Plaintiff,

v.

CHEVRON TEXACO CORPORATION GROUP  
ACCIDENT POLICY NO. OK 826458 AND  
ACCIDENT POLICY NO. SLG-000784, group  
welfare benefits plans under ERISA, and DOES 1  
through 10, inclusive,

Defendants.

CASE NO.: **05cv1883 JM (CAB)**

**AMENDED JUDGMENT IN A CIVIL  
CASE**

Doc. No. 198

This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered. The Court issued its MEMORANDUM AND DECISION REVERSING DEFENDANTS' DECISION TO DENY BENEFITS [Doc 167] on August 11, 2009. A JUDGMENT IN A CIVIL CASE [Doc 168] was entered by the Clerk of the Court on August 12, 2009. An ORDER TAXING COSTS [Doc 187] was entered by the Clerk of the Court on September 24, 2009. The Court entered its ORDER GRANTING MOTION FOR INTEREST, ATTORNEY'S FEES, AND COSTS [Doc 194] on November 2, 2009. For purposes of clarification, the Court hereby enters this AMENDED JUDGMENT IN A CIVIL CASE.

IT IS ORDERED AND ADJUDGED that the Court finds, based on a *de novo* review of the administrative record in place at the time this litigation was initiated, Neathery's death was caused by

1 an "accident" covered under the Plans. LINA's denial of benefits to Plaintiff under the Plans is therefore  
2 reversed. Judgment is entered in favor of Plaintiff, Teresa E. Neathery, and against Defendant Voluntary  
3 Group Accident Insurance Plan and Defendant On-the Job Accident Insurance Plan, erroneously sued  
4 as Chevron Texaco Corporation Group Accident Policy No. OK 826458 and defendant Accident Policy  
5 No. SLG-000784, in the following amounts:

6 \$275,000.00 against Voluntary Group Accident Insurance Plan which is the amount  
7 of the policy coverage;

8 \$500,000.00 against On-the Job Accident Insurance Plan which is the amount of the  
9 policy coverage;

10 \$49,828.00 pre-judgment interest against Voluntary Group Accident Insurance  
11 Plan;

12 \$92,537.00 pre-judgment interest against On-the Job Accident Insurance Plan;

13 \$9,750.00 reasonable costs, jointly and severally, against Voluntary Group  
14 Accident Insurance Plan and On-the-Job Accident Insurance Plan ;


15 \$1,177.60 court costs, jointly and severally, against Voluntary Group Accident  
16 Insurance Plan and On-the Job Accident Insurance Plan; and

17 \$314,516.00 attorney's fees, jointly and severally, against Voluntary Group Accident  
18 Insurance Plan and On-the Job Accident Insurance Plan

19 \$1,242,808.60 TOTAL JUDGMENT

20 **IT IS SO ORDERED.**

21 DATED: December 18, 2009

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24 Hon. Jeffrey T. Miller  
25 United States District Judge  
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