

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION**

CAROLE CHENEY )  
Plaintiff )  
v. )  
STANDARD INSURANCE COMPANY, )  
and LONG TERM DISABILITY )  
INSURANCE )  
Defendants )  
No. 1:13-cv-4269 )  
Judge Robert W. Gettleman )

**STANDARD INSURANCE COMPANY'S AND THE ERISA PLAN'S  
MOTION FOR ENTRY OF JUDGMENT**

Defendants, STANDARD INSURANCE COMPANY (“Standard”) and LONG TERM DISABILITY INSURANCE (the “Plan”) (collectively “Defendants”), by their attorney, Jacqueline J. Herring of Smith, von Schleicher & Associates, submit their Motion for Entry of Judgment, pursuant to Fed. R. Civ. P. 52(a):

1. Plaintiff Carole Cheney seeks payment of long term disability benefits under a group long term disability insurance policy (“Group Policy”) issued to Kirkland by Standard. The Group Policy is governed by the Employee Retirement Income Security Act of 1974, 29 U.S.C. §1001 *et seq.* (“ERISA”).

2. Standard correctly determined that Plaintiff failed to satisfy the terms and conditions for payment of disability benefits under the Group Policy before her coverage terminated.

3. Plaintiff fails to satisfy her burden of proving her eligibility for coverage and entitlement to benefits under the Group Policy.

4. Accordingly, judgment should be entered in favor of Standard and the Plan.

WHEREFORE, defendants, STANDARD INSURANCE COMPANY and LONG TERM DISABILITY INSURANCE, respectfully request entry of judgment in their favor, dismissal of the Complaint with prejudice, and an award of their costs and reasonable attorneys' fees under 29 U.S.C. §1132(g).

Respectfully submitted,

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By: /s/ Jacqueline J. Herring  
Attorney for Defendants,  
Standard Insurance Company and  
Long Term Disability Insurance

## CERTIFICATE OF SERVICE

I hereby certify that on May 8, 2017, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing on the following attorneys:

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