

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

GINA TASSONE,)) Case No. 1:15-cv-08557
))
Plaintiff,)) Judge Robert W. Gettleman
))
vs.)) Magistrate Judge Susan E. Cox
))
UNITED OF OMAHA LIFE INSURANCE))
COMPANY; and MIRAMED GLOBAL))
SERVICES, INC. LONG-TERM DISABILITY))
PLAN,))
))
Defendants.))
))

**PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT PURSUANT TO FEDERAL
RULE OF CIVIL PROCEDURE 52**

Pursuant to Fed. R. Civ. P. 52(a), and this Court's Order (ECF #35), Plaintiff, GINA TASSONE, by and through her attorney MICHAEL BARTOLIC of ROBERTS BARTOLIC LLP, hereby moves for the entry of judgment in her favor against Defendants. In support thereof, movant submits and relies upon Plaintiff's Proposed Findings of Fact (ECF #45) and Memorandum of Law (ECF #46).

The Court should grant Plaintiff's Motion for Entry of Judgment and award her past due disability benefits, prejudgment interest payable thereon, and a declaratory judgment clarifying her right to future benefits, so long as she meets the policy's terms and conditions. 29 U.S.C. § 1132(a)(1)(B). Plaintiff seeks reinstatement in the plan and benefits due to her since September 1, 2014 in the amount of \$3650.01 per month, equal to 60% of her pre-disability earnings (Administrative Record at AR 3717 (hereinafter "AR-xxxx")), less any offset for benefits awarded by the Social Security Administration consistent with the policy's terms regarding deductible other income. (AR 0024). In addition, Plaintiff seeks prejudgment interest

on any past due benefits. Though Plaintiff sought attorney's fees and costs under 29 U.S.C. § 1132(g) in the Complaint, Plaintiff reserves addressing that claim until after a decision on the merits.

WHEREFORE, Plaintiff prays that judgment be entered on her behalf.

/s/ Michael Bartolic

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CERTIFICATE OF SERVICE

The undersigned, an attorney, hereby certifies that on January 11, 2017 a copy of the foregoing was served by operation of the Court's electronic filing systems upon the following counsel of record:

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