

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

LETTRAN TRAN,)
Plaintiff) Case No. 1:17-cv-00450
v.) Judge Robert M. Dow Jr.
MINNESOTA LIFE INSURANCE) Magistrate Judge Sidney I. Schenkier
COMPANY,)
Defendant)

**MINNESOTA LIFE INSURANCE COMPANY'S
MOTION FOR ENTRY OF JUDGMENT**

Defendant, MINNESOTA LIFE INSURANCE COMPANY (“Minnesota Life”), by its attorney, Jacqueline J. Herring of Smith, von Schleicher & Associates, submits its Motion for Entry of Judgment, pursuant to Fed. R. Civ. P. 52(a), or alternatively Fed. R. Civ. P. 56:

1. Plaintiff LeTran Tran seeks payment of Accidental Death and Dismemberment (“AD&D”) benefits under an employee welfare benefit plan (“Plan”) established by AbbVie Inc. and governed by the Employee Retirement Income Security Act of 1974, 29 U.S.C. §1001 *et seq.* (“ERISA”). Minnesota Life is the Plan’s life insurer.

2. Plaintiff failed to satisfy her burden to establish AD&D coverage under the Plan for the death of Linno Llenos.

3. The Plan's exclusions for "self-inflicted injury" exclude AD&D coverage for Linno Llenos's death.

4. Accordingly, judgment should be entered in favor of Minnesota Life and against Plaintiff.

WHEREFORE, defendant, MINNESOTA LIFE INSURANCE COMPANY, respectfully
requests that the Court enter judgment in favor of Minnesota Life pursuant to Fed. R. Civ. P.

52(a), or alternatively Fed. R. Civ. P. 56, and award Minnesota Life its attorneys' fees and costs pursuant to 29 U.S.C. §1132(g) and the Federal Rules of Civil Procedure.

Respectfully submitted,

Jacqueline J. Herring (IL- 6282246)
SMITH | VON SCHLEICHER + ASSOCIATES
180 N. LaSalle St. Suite 3130
Chicago, Illinois 60601
P 312.541.0300 | F 312.541.0933
jackie.herring@svs-law.com

By: /s/ Jacqueline J. Herring
Attorney for Defendant,
Minnesota Life Insurance Company

CERTIFICATE OF SERVICE

I hereby certify that on June 1, 2017, I electronically filed the foregoing using the CM/ECF system, which will send notification of such filing on the following attorney(s) of record:

Jeffrey S. Deutschman
Bradley A. Skafish
Deutschman & Associates, P.C.
77 W. Washington Street, Suite 1525
Chicago, Illinois 60602
jeff@deutschmanlaw.com
brad@deutschmanlaw.com

/s/ Jacqueline J. Herring
SMITH | VON SCHLEICHER + ASSOCIATES
180 N. LaSalle St. Suite 3130
Chicago, Illinois 60601
P 312.541.0300 | F 312.541.0933
jackie.herring@svs-law.com
Illinois Bar No. 6282246