

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

DARRELL W. MOSES

CIVIL ACTION

VERSUS

NUMBER 05-1185-FJP-CN

THE HARTFORD INSURANCE
COMPANY

RULING

This matter is before the Court on the defendant's motion for summary judgment on the issue of whether plaintiff's claim for long-term disability ("LTD") benefits was properly denied.¹ Defendant asserts that plaintiff did not properly enroll in the LTD Policy and was therefore not eligible for benefits. Plaintiff has filed an opposition to the motion asserting that there are material issues of fact in dispute as to whether enrollment was proper.² The Court finds that there are genuine issues of material fact as to whether defendant complied with the terms of the policy so as to allow the plaintiff to properly enroll, and whether the enrollment period had been extended, which preclude the Court from granting summary judgment at this time.

In light of the joint stipulation filed by the parties,³ the plaintiff's claim shall be remanded to the defendant for a

¹ Rec. Doc. No. 40.

² Rec. Doc. No. 45.

³ Rec. Doc. No. 47.

determination of whether the plaintiff is eligible for benefits under the LTD Policy. Also in accordance with the joint stipulation, the case shall be administratively closed.

IT IS ORDERED that the defendant's motion for summary judgment is denied.

IT IS FURTHER ORDERED that the plaintiff's claim for benefits under the LTD Policy shall be remanded to the defendant so that it may be submitted to the claim review process.

IT IS FURTHER ORDERED that this case shall be administratively closed.

Baton Rouge, Louisiana, February 6, 2008.



FRANK J. POLOZOLA
MIDDLE DISTRICT OF LOUISIANA