

**UNITED STATES DISTRICT COURT**  
**WESTERN DISTRICT OF LOUISIANA**  
**MONROE DIVISION**

<b>KEVIN TRAHAN</b>	*	<b>CIVIL ACTION NO. 15-2803</b>
<b>VERSUS</b>	*	<b>JUDGE ROBERT G. JAMES</b>
<b>METROPOLITAN LIFE INSURANCE CO.</b>	*	<b>MAG. JUDGE KAREN L. HAYES</b>

**J U D G M E N T**

The Report and Recommendation of the Magistrate Judge having been considered, no objections thereto having been filed, and finding that same is supported by the law and the record in this matter,

IT IS ORDERED, ADJUDGED, AND DECREED that Defendant's motion for partial summary judgment [Doc. No. 9] is hereby GRANTED, and that judgment be entered in favor of Defendant declaring that Plaintiff's state law claim for unpaid benefits under the Plan is completely preempted by ERISA, and thus, recast as a claim under ERISA § 502(a)(1)(B).

IT IS FURTHER ORDERED that in the event any issues of plan term interpretation arise in the course of plaintiff's claim for wrongful denial of benefits, the court shall review the issue(s) under an abuse of discretion standard.

IT IS FURTHER ORDERED that plaintiff's state law claim for penalties under Louisiana Revised Statute § 22:1821 is hereby DISMISSED WITH PREJUDICE, as preempted.

MONROE, LOUISIANA, this 20<sup>th</sup> day of June, 2016.

  
ROBERT G. JAMES  
UNITED STATES DISTRICT JUDGE