

U.S. DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
RECEIVED LAFAYETTE

JUN 25 2015

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
LAFAYETTE DIVISION

Charles Stout  
TONY R. MOORE, CLERK  
WESTERN DISTRICT OF LOUISIANA  
LAFAYETTE, LOUISIANA

Civil Action No. 14-02457

versus

Judge Richard T. Haik, Sr.

Pathfinder Energy Services, LLC,  
et al

Magistrate Judge C. Michael Hill

**MEMORANDUM RULING**

Before the Court is an unopposed<sup>1</sup> “Schlumberger Defendants’ Motion For Summary Judgment” filed by Defendants Schlumberger Technology Corporation (“STC”), Smith International, Inc. (“Smith”), Pathfinder Energy Services, LLC (“Pathfinder LLC”) and Plan Administrator for Pathfinder Energy Services, LLC Employer Group Benefits Plan (“Pathfinder LLC Plan Administrator”) (collectively known as “Schlumberger Defendants”). [Rec. Doc. 37]. Oral argument is not necessary. For the following reasons, the motion will be granted.

The fact that the motions are unopposed does not necessarily mean the movant should prevail on the merits. “A motion for summary judgment cannot be granted simply because there is no opposition, even if failure to oppose violated a local rule. The movant has the burden of establishing the absence of a genuine issue of material fact and, unless he has done so, the court may not grant the motion, regardless of whether any response was filed.” *Hetzel v. Bethlehem Steel Corp.*, 50 F.3d 360, 362 (5<sup>th</sup> Cir. 1995). However, failure to file an opposition and statement of contested material facts requires the Court to deem the movant’s statements of uncontested material facts admitted for purposes of the motion. *Local Rule, LR 56.2W*.

Plaintiff worked for Pathfinder Energy Services Inc (“Pathfinder”), a company wholly owned by Smith International, Inc. (“Smith”), from April 1, 2001 until he was diagnosed with an aortic valve disorder on August 22, 2011. Stout was hired by Pathfinder Energy Services

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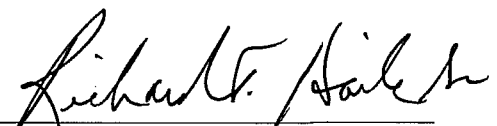
<sup>1</sup> Pursuant to Local Rule L.R. 7.5W, the deadline for filing any opposition to the Schlumberger Defendants’ motion was June 19, 2015. *LR. 7.5*.

Inc., which was owned by W-H Energy Services Inc. In 2008, Smith acquired W-H Energy Services Inc. *R. 31*. In January 2010, Pathfinder Energy Services Inc. became Pathfinder Energy Services LLC, which merged into Schlumberger Technology Corporation in December 2012. *R. 26*.

Smith established “The Smith International, Inc. Long Term Disability Plan For All Full Time Rotational Employees,” and employee welfare benefit plan (“the Plan”) to provide long term disability (“LTD”) benefits to its eligible employees and the eligible employees of its subsidiaries. The Plan is governed by the Employment Retirement Income Security Act, 29 U.S.C. § 1001 et seq. (“ERISA”). The Plan states that Smith is the “Employer and Plan Administrator” and the benefits are insured by Metropolitan Life Insurance Co. (“MetLife”). *R. 28-2*. Stout participated in the Plan.

In August, 2011, Stout’s treating physician, Dr. Barker, diagnosed him with aortic valve stenosis. Stout applied for and was granted long term disability benefits under the Plan commencing on February 6, 2012. Thereafter on February 6, 2014, Stout’s benefits were terminated through an error created by Dr. Barker but were reinstated retroactively to February 6, 2014 through the administrative appeal process. Stout served MetLife and the Schlumberger Defendants with this lawsuit on November 18, 2014 seeking reinstatement of long term disability benefits, statutory penalties pursuant to 29 U.S.C. §§ 1024(b) and 1132(c)(1)(B) and breach of fiduciary duty under ERISA.

On May 26, 2015, the Court granted MetLife’s motion for summary judgment and dismissed Stout’s claims against it. *R. 38, 39*. Because the Court addressed the same claims as those filed against the Schlumberger Defendants in this Motion, the Court will grant the Motion for the reasons stated in the Court’s prior Ruling and Judgment. *Id.*

  
Richard T. Haik, Sr.  
United States District Judge