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UNITED STATES DISTRICT COURT

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

WESTERN DISTRICT OF LOUISIANA

LAFAYETTE DIVISION

RICKY D. HAYES

CIVIL ACTION NO. 16-0214

VERSUS

JUDGE DOHERTY

DEARBORN NATIONAL LIFE
INSURANCE CO.

MAGISTRATE JUDGE HANNA

MEMORANDUM RULING


Now pending before the Court is a motion for summary judgment [Doc. 13], filed by defendant Dearborn National Life Insurance Company (“Dearborn National”), whereby defendant seeks a judgment of this Court finding the long-term disability policy (“LTD policy”) underwritten by defendant “is governed by ERISA and that Plaintiff’s claims are exclusively governed by ERISA and that any and all state claims asserted or attempted to be asserted by Plaintiff are preempted by ERISA.” [Id. at 4]

In plaintiff’s opposition to the motion for summary judgment, he admits “ERISA governs the long-term disability insurance coverage at issue.” [Doc. 16, p. 1] However, plaintiff asserted the remainder of the motion (*i.e.* preemption) was raised prematurely by defendant.¹ Subsequent to the filing of his opposition, plaintiff filed his “Response to ERISA Case Order” as required by the scheduling order. [See Doc. 9, p. 2] Within his Response to the ERISA Case Order, plaintiff admits “ERISA preempts all state claims.” [Doc. 20, p. 2]

¹As plaintiff correctly noted, the ERISA Case Order issued in this matter staggers the deadlines, such that preemption is to be addressed in a subsequently filed motion. [Doc. 9, p. 3]

As all parties now agree ERISA governs the long-term disability policy at issue, and all parties now agree all state law claims asserted by plaintiff are preempted by ERISA, defendant's motion for summary judgment [Doc. 13] is GRANTED.

THUS DONE AND SIGNED in Chambers, Lafayette, Louisiana, this 7th day of December, 2016.


REBECCA F. DOHERTY
UNITED STATES DISTRICT JUDGE