

FEB 15 2017

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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA

DONALD E. ASHLEY

\*CIVIL ACTION NO. 6:16-1096

VS.

\*JUDGE DRELL

LIBERTY LIFE ASSURANCE CO.  
OF BOSTON

\*MAGISTRATE JUDGE HANNA

JUDGMENT

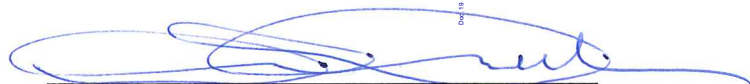
This matter was referred to United States Magistrate Judge Patrick J. Hanna for Report and Recommendation. No objections have been filed. The Court concludes that the Report and Recommendation of the magistrate judge is correct. Accordingly;

**IT IS ORDERED** that Liberty Life Assurance Company of Boston's Motion to Dismiss is **GRANTED** in part. Accordingly, plaintiff's Louisiana state law claims are **DISMISSED WITH PREJUDICE**. Liberty's request for attorney's fees and costs pursuant to 29 U.S.C. § 1132(g)(1) is **DENIED** as premature.

**IT IS FURTHER ORDERED** that plaintiff is **granted leave to amend** his Complaint to properly plead federal claims for long term disability benefits and attorney fees under ERISA and to clarify the legal and factual grounds for these claims, as well as the proper basis for this Court's jurisdiction.

**THUS DONE AND SIGNED**, in chambers, in Alexandria, Louisiana, on this

14<sup>th</sup> day of February, 2017.



**DEE D. DRELL, CHIEF JUDGE  
UNITED STATES DISTRICT COURT**