

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

CAROLYN D. BENOIT

CIVIL ACTION NO. 17-0641

VERSUS

JUDGE S. MAURICE HICKS, JR.

LIBERTY LIFE ASSURANCE CO.  
OF BOSTON, ET AL.

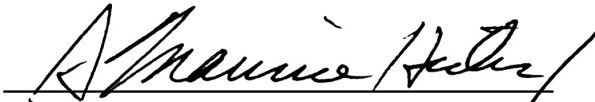
MAGISTRATE JUDGE WHITEHURST

**ORDER**

For the reasons stated in the Report and Recommendation of the Magistrate Judge previously filed herein, and after an independent review of the record including the objections filed (Record Documents 32-33) and the responses thereto (Record Documents 34-35) filed by petitioner , and having determined that the findings and recommendations are correct under the applicable law;

**IT IS ORDERED** that the Motion To Partially Dismiss Plaintiff's Complaint filed by Defendant Liberty Life Assurance Company of Boston (Record Document 3) and the Motion To Dismiss Plaintiff's Complaint filed by Defendants L'Oreal USA, Inc., SalonCentric, Inc. and L'Oreal USA Rewards (Record Document 13) be **GRANTED IN PART AND DENIED IN PART**, and (1) Plaintiff's Claims under La. R.S. §§ 22:1973 and 22:1821 in the Second Cause of Action be **DISMISSED**; (2) Plaintiff's claim under the Fourth Cause of Action for declaratory relief and recovery of healthcare premium payment provided under the Healthcare Plan be **DISMISSED WITHOUT PREJUDICE** for failure to exhaust administrative remedies; and (3) Plaintiff's Prayer for compensatory, statutory and penalty damages be **DISMISSED**.

**THUS DONE AND SIGNED**, in Shreveport, Louisiana, this 1st day of December,  
2017.

  
S. MAURICE HICKS, JR., CHIEF JUDGE  
UNITED STATES DISTRICT COURT