

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 15-12773-RGS

VICTORIA DAVIS

v.

SUN LIFE ASSURANCE COMPANY OF CANADA

MEMORANDUM AND ORDER  
ON THE REPORT AND RECOMMENDATION  
OF THE MAGISTRATE JUDGE

September 1, 2017

STEARNS, D.J.

I am persuaded by Magistrate Judge Kelley's exhaustive analysis of the record in this ERISA appeal that defendant Sun Life Assurance Company of Canada properly denied plaintiff Victoria Davis's application for long-term disability benefits. The Report reviews in depth each of the manifold arguments that were raised by Davis in the proceedings below. I agree with the Magistrate Judge's ultimate conclusion that, while Davis suffers from a number of medical problems, on balance she failed to meet her burden of proving that she was disabled within the meaning of the policy; that Sun Life was justified in finding that, despite her physical limitations, she remained able to perform sedentary work; and that despite some minor procedural

missteps, Sun Life “fully and fairly” processed Davis’s benefits application and appeal.<sup>1</sup> While I also believe that Sun Life made out a credible case that Davis did not satisfy the “Actively at Work” requirement for coverage under the policy, I will defer to the Magistrate Judge’s reasoned determination that Sun Life was wrong to deny benefits on this ground.

#### ORDER

For the reasons explained by the Magistrate Judge, the Recommendation is ADOPTED. The motion of defendant Sun Life for summary judgment is ALLOWED. Davis’s cross-motion for summary judgment is DENIED. The Clerk will enter final judgment accordingly and close the case.

SO ORDERED.

/s/ Richard G. Stearns

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UNITED STATES DISTRICT JUDGE

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<sup>1</sup> Davis has filed a lengthy Objection to the Report and Recommendation, but she points to no material errors of factual omission or misinterpretation, or failures of legal reasoning on the part of the Magistrate Judge; she simply disagrees with the weight the Magistrate Judge assigned to conflicting items of record evidence and the inferences that she drew as a result.