UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

L.P., by and through her father, J.P.,
individually and on behalf of all others
similarly situated,

        Plaintiff,

v.   **ORDER**
                     Civil File No. 18-1241 (MJD/DTS)

BCBSM, Inc. d/b/a Blue Cross and
Blue Shield of Minnesota,

        Defendant and Counterclaimant

v.

J.P.,

        Counter Defendant.

Charles N. Nauen, David W. Asp, Jennifer Jacobs, and Susan E. Ellingstad,
Lockridge Grindal Nauen PLLP, and Jordan M. Lewis, Jordan Lewis, P.A.
Counsel for Plaintiff and Counter Defendant.

David M. Wilk, Larson King, LLP, and Joel Allan Mintzer, Blue Cross and Blue
Shield of Minnesota, Counsel for Defendant.

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The above-entitled matter comes before the Court upon the Report and

Recommendation of United States Magistrate Judge David T. Schultz dated

January 17, 2020. Defendant and Counterclaimant BCBSM, Inc. filed objections

to the Report and Recommendation.

Pursuant to statute, the Court has conducted a de novo review upon the

record. 28 U.S.C. § 636(b)(1); Local Rule 72.2(b). Based upon that review, the

Court adopts the Report and Recommendation of United States Magistrate Judge

Schultz dated January 17, 2020.

Accordingly, based upon the files, records, and proceedings herein, **IT IS**

HEREBY ORDERED:

1. Defendant's Motion for Leave to File a Reply Regarding Objections [Docket No. 77] is **GRANTED**.

2. The Court **ADOPTS** the Report and Recommendation of United States Magistrate Judge David T. Schultz dated January 17, 2020 [Docket No. 68].

3. Defendant's Motion for Summary Judgment [Docket No. 44] is **DENIED**.

4. Plaintiff's Motion for Summary Judgment [Docket No. 52] is **GRANTED IN PART** and **DENIED IN PART**.

5. The matter is **REMANDED** to the Plan Administrator to:

a. Consider additional evidence regarding physician oversight of L.P.'s care; and

b. Allow L.P. to resubmit the benefits claims with appropriate billing codes and reprocess those claims.

Dated: February 28, 2020   s/ Michael J. Davis
                                    Michael J. Davis
                                    United States District Court