

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA

FILED

OCT 12 2016

Clerk, U.S. District Court
District Of Montana
Helena

BUTTE DIVISION

JOSEPH THRIFT,

Plaintiff,

No. CV-15-56-BU-SEH

vs.

ORDER

AETNA LIFE INSURANCE CO.,
insurer and administrator of THE
BOEING COMPANY NON-UNION
GROUP LONG TERM DISABILITY
PLAN,

Defendant.

Upon the record made in open court on October 12, 2016,

ORDERED:

1. Defendant's Motion for Summary Judgment¹ is DENIED.
2. Plaintiff's Motion for Summary Judgment² is GRANTED as follows:
 - a. Plaintiff is entitled to reinstatement of disability benefits,

¹ Doc. 24.

² Doc. 20.

consistent with the terms and conditions of the Boeing Company Non-Union Group Long Term Disability Plan from and after November 28, 2014.

b. Defendant shall remain obligated to pay disability benefits to Plaintiff until such time as defendant can establish, upon the record, that Plaintiff is presently capable of an income of more than 80% of predisability earnings.

3. The parties shall meet and confer on or before October 28, 2016, for the purpose of endeavoring to reach an agreement on Plaintiff's claim for attorneys' fees and prejudgment interest.

a. If such agreement is reached, notice of such shall be filed.

b. If agreement as to attorneys' fees and interest, or either, is not reached:

i. Plaintiff may file a motion for interest and attorneys' fees and supporting brief on or before October 28, 2016.

ii. Defendant may file a response brief directed to both issues on or before November 11, 2016.

iii. The matter will be deemed submitted for decision as of November 11, 2016.

iv. Plaintiff may have to and including November 18, 2016,
in which to file an optional reply brief.

DATED this 12th day of October, 2016



SAM E. HADDON
United States District Judge