

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL ACTION NO. 3:15-CV-00519-RJC-DSC**

JOSELINE MONTERO,)
)
 Plaintiff,)
)
 v.)
)
 BANK OF AMERICA LONG-TERM)
 DISABILITY PLAN,)
 AETNA LIFE INSURANCE COMPANY,)
 BANK OF AMERICA GROUP)
 BENEFITS PROGRAM,)
)
 Defendants.)
)

ORDER

THIS MATTER comes before the Court on the Parties’ Joint Pleading of Amount Due to Plaintiff and the Parties’ Supplement to their Joint Pleading of Amount Due to Plaintiff. (Doc. Nos. 30, 33).

On November 8, 2016, this Court held a hearing on the Parties’ cross motions for summary judgment and took the motions under advisement. (Doc. Nos. 13 and 15). On December 27, 2016 this Court entered an order granting Plaintiff’s Motion for Summary Judgment and decreeing that Defendants were to reinstate Plaintiff’s monthly long-term disability benefits, pay any and all past due benefits, pay prejudgment interest of eight (8) percent, and pay reasonable attorneys’ fees and costs. (Doc. No. 25). The Court further ordered the Parties, jointly if possible, to submit a pleading detailing the exact dollar amount of reinstated benefits, past-due benefits, prejudgment interest, and attorneys’ fees owed to Plaintiff. (Id.).

On February 14, 2017, the Parties filed a joint pleading stating that the following amounts were due to Plaintiff: \$78,021.00 in past due benefits, \$1,449.00 per month for disability benefits beginning February 1, 2017, \$10,924.00 in prejudgment interest, and \$1,200.23 in legal costs and expenses. (Doc. No. 30). At the time of the first joint pleading, the Parties had not agreed to an exact amount for reasonable attorneys' fees and asked the Court for an extension of time to file a supplement to the joint pleading. (Doc. No. 31). The Court granted that request, (Doc. No. 32), and on March 2, 2017, the Parties filed a supplement to their joint pleading stating their agreement that Defendant will pay Plaintiff's attorneys' fees in the amount of \$99,660.94. (Doc. No. 33). In total, Defendant has agreed to pay Plaintiff \$189,806.17. (Id.).


After careful review of the Parties' joint pleading and supplement to the joint pleading, the attached exhibits, and the entire record, the Court finds the Parties' agreement on damages to be reasonable and appropriate. Accordingly, Defendant shall pay damages to Plaintiff as outlined in the joint pleading and supplement to the joint pleading.

IT IS, THEREFORE, ORDERED that:

1. Defendants shall pay Plaintiff \$78,021.00 in past-due long-term disability benefits;
2. Defendants shall pay Plaintiff \$10,924.00 in prejudgment interest;
3. Defendants shall pay Plaintiff \$1,200.23 in costs and expenses;
4. Defendants shall pay Plaintiff \$99,660.94 in attorneys' fees;
5. Defendants shall reinstate Plaintiff's long-term disability benefits as of February 1, 2017 at a rate of \$1,449.00 per month;

6. Per the Parties' agreement, all payments shall be sent to Plaintiff's counsel at 1011 East Morehead Street, Suite 350, Charlotte, North Carolina, 28204; and
7. The Clerk of the Court is directed to close this case.

Signed: March 28, 2017



Robert J. Conrad, Jr.
United States District Judge

