

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

<b>JAMES E. GUINN,</b>	)	<b>CASE NO. 1:17CV197</b>
	)	
<b>Plaintiff,</b>	)	<b>JUDGE CHRISTOPHER A. BOYKO</b>
	)	
<b>vs.</b>	)	<b><u>ORDER</u></b>
	)	
<b>GENERAL MOTORS LLC, et al.,</b>	)	
	)	
<b>Defendants.</b>	)	

**CHRISTOPHER A. BOYKO, J.:**

This matter comes before the Court upon the Motion (ECF DKT #28) of Plaintiff, James E. Guinn, for Clarification and/or Reconsideration of the Court’s Order Dated November 6, 2017. For the following reasons, the Motion is denied.

**I. BACKGROUND**

On January 31, 2017, Plaintiff brought this action for recovery of life insurance benefits pursuant to the Employee Retirement Income Security Act (“ERISA”). Plaintiff’s Second Amended Complaint (ECF DKT #14), naming General Motors LLC, General Motors Life and Disability Benefits Program for Hourly Employees, Metropolitan Life Insurance Company (“MetLife”) and Rashad A. Saleem, was filed on July 5, 2017.

Plaintiff alleges that MetLife denied his claim for his deceased aunt's Group Life Insurance Benefits under a General Motors ERISA Plan insured by a group policy issued by MetLife, who also served as Claims Administrator for the Plan. MetLife denied Plaintiff's claim because it determined that Plaintiff was not Julia Adams a/k/a Julia Tolliver's last valid beneficiary.

At the September 19, 2017 telephonic Case Management Conference, the Court set a briefing schedule for the parties' positions on discovery and supplementing the administrative record. Instead, on November 1, 2017, the parties submitted their Case Management Stipulated Order (ECF DKT #26). The parties agreed to dismiss the General Motors Defendants with prejudice and further stipulated as follows:

1. No discovery will be permitted or conducted.
2. Defendant MetLife will file the Administrative Record on or before November 20, 2017.
3. **Plaintiff may supplement the Administrative Record with affidavits from Plaintiff and the Decedent's Guardian.**
4. Plaintiff will file his Motion for Judgment on the Administrative Record, which will move the Court to determine and declare that Plaintiff is entitled to the life insurance benefits payable under the Program as a result of the death of Julie Adams a/k/a Julia Tolliver, on or before December 18, 2017.

5. MetLife will take no position on Plaintiff's Motion for Judgment on the Administrative Record.
6. The Court will decide Plaintiff's motion and claim for benefits *de novo*.
7. Plaintiff will not seek attorneys' fees from MetLife in the event that the Court finds in Plaintiff's favor on his Motion for Judgment on the Administrative Record and awards benefits to Plaintiff.

(Emphasis added).

On November 6, 2017, the Court dismissed the General Motors Defendants with prejudice and adopted and entered the enumerated Stipulations, with one proviso as to Item #3. The Court cited *Wilkins v. Baptist Healthcare Sys., Inc.*, 150 F.3d 609, 619 (6th Cir. 1998) and stated that it would consider the proposed outside evidence *only* if that evidence is offered in support of a procedural challenge to the Administrator's decision, such as an alleged lack of due process or alleged bias.

Following that, Plaintiff filed the instant request for clarification and/or reconsideration. Plaintiff argues that a claimant is permitted to supplement the administrative record as a remedy for an administrator's violation of ERISA's procedural requirements. Further, Plaintiff suggests: "The Court's ruling defeats the purpose of Stipulations and imposes needless time and expense because it will require plaintiff and MetLife to engage in litigation to decide whether plaintiff is entitled to a remedy that has already been obtained through mutual agreement and compromise." (ECF DKT #28 at 1-2).

## II. LAW AND ANALYSIS

### Reconsideration

Upon reconsideration, the Court adheres to its prior decision in this matter.

Motions for reconsideration, though frequently brought, are granted only in rare and unusual circumstances. *Gencorp, Inc. v. American Int'l Underwriters*, 178 F.3d 804, 834 (6th Cir. 1999); *Plaskon Elec. Materials, Inc. v. Allied-Signal, Inc.*, 904 F.Supp. 644, 669 (N.D. Ohio 1995).

Although motions to reconsider are not ill-founded step-children of the federal court's procedural arsenal, they are extraordinary in nature and, because they run contrary to notions of finality and repose, should be discouraged. To be sure, a court can always take a second look at a prior decision; but it need not and should not do so in the vast majority of instances, especially where such motions merely restyle or re-hash the initial issues.

*McConocha v. Blue Cross and Blue Shield Mutual of Ohio*, 930 F.Supp. 1182, 1184 (N.D. Ohio 1996) (internal citations and quotations omitted).

The parties' request to supplement the Administrative Record, which Plaintiff pleads once again for the Court to adopt, runs afoul of the parties' own agreement. The parties stipulated that no discovery would be permitted or conducted. (ECF DKT #26, Item #1). Yet, they seek to introduce the sworn testimony of Plaintiff and of the non-party guardian for decedent in the form of affidavits executed (and presumably drafted) more than two months after the Second Amended Complaint was filed, eight months after this case was originally instituted, and more than a year after MetLife denied Plaintiff's claim for benefits.

Moreover, the request to supplement contravenes well-settled Sixth Circuit law for ERISA cases. The district court is "strictly limited" to the record of the administrator in its review. *Seiser v. UNUM Provident Corp.*, 135 F.App'x 794, 798 (6th Cir. 2005), citing

*Killian v. Healthsource Provident Adm’r, Inc.*, 152 F.3d 514, 522 (6th Cir. 1998) (“in an ERISA claim contesting a denial of benefits, the district court is strictly limited to a consideration of the information actually considered by the administrator”). In *Wilkins*, 150 F.3d at 615, the panel found that an affidavit, dated over one month after the final decision denying benefits, was not part of the administrative record. Likewise, this Court determines that these supplemental affidavits offered by Plaintiff should not be part of the record before it.

### **III. CONCLUSION**

The Court declines the invitation to reconsider and finds there is no justification for clarification. Therefore, the Motion (ECF DKT #28) of Plaintiff, James E. Guinn, for Clarification and/or Reconsideration of the Court’s Order Dated November 6, 2017, is denied.

**IT IS SO ORDERED.**

**s/ Christopher A. Boyko**  
**CHRISTOPHER A. BOYKO**  
**United States District Judge**

**Dated: December 6, 2017**