

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

SAMUEL NISWONGER,	:	
	:	
Plaintiff,	:	Case No. 3:12-cv-374
	:	
vs.	:	Judge Thomas M. Rose
	:	
LIBERTY LIFE ASSURANCE	:	
COMPANY OF BOSTON,	:	
	:	
Defendant.	:	

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**ENTRY AND ORDER GRANTING PLAINTIFF'S MOTION  
FOR ATTORNEY'S FEES AND COSTS (ECF No. 29)**

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Before the Court is Plaintiff's Motion For Attorney's Fees And Costs (ECF No. 29), which seeks an award of attorney's fees and non-taxable costs under 29 U.S.C. § 1132(g) of the Employee Retirement Income Security Act of 1974 (ERISA). Defendant Liberty Life Assurance Company of Boston has not opposed the motion, and the time for it to do so has expired. This matter is therefore ripe for review.

Upon review of the Motion For Attorney's Fees And Costs (ECF No. 29), its supporting memorandum, and the exhibits attached thereto, and noting that no objections have been filed, the Court finds that Plaintiff is entitled to the requested award of attorney's fees and non-taxable costs in the amount of \$61,779.00 under the standard set forth in *Hardt v. Reliance Standard Ins. Co.*, 130 S. Ct. 2149 (2010) and *Secretary of Dep't of Labor v. King*, 775 F.2d 666 (6<sup>th</sup> Cir. 1985). Accordingly, Plaintiff's Motion For Attorney's Fees And Costs (ECF No. 29) is **GRANTED** in the amount of \$61,779.00.

**DONE and ORDERED** in Dayton, Ohio, this Tuesday, August 19, 2015.

s/Thomas M. Rose

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THOMAS M. ROSE  
UNITED STATES DISTRICT JUDGE