

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

MARY PLANK,	:	
	:	
Plaintiff,	:	CIVIL ACTION
	:	
v.	:	
	:	NO. 13-7337
THE DEVEREUX FOUNDATION,	:	
THE DEVERAUX FOUNDATION LONG	:	
TERM DISABILITY PLAN, and AETNA	:	
LIFE INSURANCE CO.,	:	
	:	
Defendants.	:	

ORDER

AND NOW, this 2nd day of *February*, 2015, upon consideration of Plaintiff Mary Plank’s Motion for Summary Judgment (Docket No. 8) and Defendant Aetna Life Insurance Co.’s Response (Docket No. 10), it is hereby **ORDERED** that Plaintiff’s Motion is **GRANTED IN PART** and **DENIED IN PART**, as follows:

1. As to liability and damages owed under the “own occupation” provision of the policy at issue, the Motion is **GRANTED** and Defendant shall pay to Plaintiff benefits owed under that provision for the period from June 6, 2012 through October 6, 2012.
2. Plaintiff’s Motion for Summary Judgment (Docket No. 12) is **DENIED** as to liability and damages owed under the “any reasonable occupation” provision of the policy at issue.

JUDGMENT IS ENTERED in favor of Plaintiff Mary Plank and against Defendant Aetna Life Insurance Co. as to liability and Plaintiff’s entitlement to benefits under the “own occupation” provision of the long term disability plan at issue.

The remainder of this case is **REMANDED** to Aetna Life Insurance Co. for:

1. consideration of the amount owed to Plaintiff under the “own occupation” provision; and
2. determining whether Plaintiff is entitled to benefits under the “any reasonable occupation” provision of the policy at issue.

It is so **ORDERED**.

BY THE COURT:

s/ Ronald L. Buckwalter
RONALD L. BUCKWALTER, S.J.