

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

Paul Critzman,) C.A. NO. 3:15-cv-01135-JFA
)
Plaintiff,)
)
vs.) **CONSENT ORDER**
)
Life Insurance Company of North America,)
Cigna Health and Life Insurance Company,)
and Cigna Corporation,)
)
Defendants.)
_____)

Before the Court is the Motion of Defendants Life Insurance Company of North America, Cigna Health and Life Insurance Company, and Cigna Corporation to dismiss this case on the basis that the claims contained in the Complaint are preempted by the Employee Retirement Income Security Act of 1974 (“ERISA”), as enacted and amended, 29 U.S.C. § 1001 *et seq.* Plaintiff, Paul Critzman, concedes the application of ERISA, but desires to re-plead his claim under ERISA. Defendants do not oppose Plaintiff re-pleading his claim under ERISA, but believe that the only appropriate defendant is Life Insurance Company of North America, which issued Policy OK 980198, the Group Accident Policy upon which Plaintiff makes a claim. Plaintiff does not oppose dismissing the remaining Defendants without prejudice.

NOW, THEREFORE, upon agreement of the parties, and with good cause being shown, IT IS ORDERED, ADJUDGED AND DECREED that:

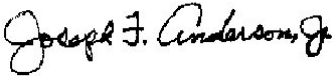
1. The Motion to Dismiss is granted to the extent it finds the claims pled in the Complaint are preempted by ERISA.

2. The Motion to Dismiss is denied to extent Defendants seek a dismissal of this action. Plaintiff is directed to file an Amended Complaint to re-plead his claim under ERISA within 20 days of the date of this Order.

3. Defendants Cigna Health and Life Insurance Company and Cigna Corporation are dismissed without prejudice.

AND IT IS SO ORDERED.

March 23, 2015
Columbia, South Carolina


Joseph F. Anderson, Jr.
United States District Judge

WE CONSENT:

s/Billy R. Oswald
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