

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

<p><b>KEVIN SKELLY,</b></p> <p style="padding-left: 40px;"><b>Plaintiff,</b></p> <p style="padding-left: 40px;"><b>v.</b></p> <p><b>LIBERTY LIFE ASSURANCE CO. OF BOSTON,</b></p> <p style="padding-left: 40px;"><b>Defendant.</b></p>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p><b>Case No. 3:09-0254</b> <b>Judge Nixon/Knowles</b></p>
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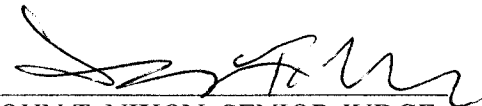
**ORDER**

Pending before the Court is Plaintiff Kevin Skelly’s (“Plaintiff”) Motion for Judgment on the Administrative Record (“Plaintiff’s Motion”). (Doc. No. 10.) Plaintiff has filed an accompanying Memorandum of Law (Doc. No. 12) and a Statement of Undisputed Material Facts (Doc. No. 13). Defendant filed a Response (Doc. No. 20-1), to which Plaintiff replied (Doc. No. 22). On February 24, 2010, Magistrate Judge Knowles issued a Report and Recommendation (“Report”) (Doc. No. 23) recommending that Plaintiff’s Motion be denied, and that the Plan Administrator’s decision be affirmed. Under Rule 72(b) of the Federal Rules of Civil Procedure, a party has fourteen (14) days after service of the Report in which to file any written objections to the Report with the District Court. Over fourteen days have passed, and no written objections have been filed.

Upon review of the record in this case, the Court finds the Report to be well-founded and **ADOPTS** it in its entirety. Accordingly, the Court hereby **DENIES** Plaintiff’s Motion for Judgment on the Administrative Record, and **AFFIRMS** the Plan Administrator’s decision.

It is so ORDERED.

Entered this 5<sup>th</sup> day of April, 2010.

  
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 JOHN T. NIXON, SENIOR JUDGE  
 UNITED STATES DISTRICT COURT