

**United States District Court**  
EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

MARGARET CARBAJAL	§	
	§	
vs.	§	Case No. 4:09cv581
	§	(Judge Schneider/Judge Mazzant)
HARTFORD LIFE AND ACCIDENT	§	
INSURANCE COMPANY, ET AL	§	

**MEMORANDUM ADOPTING REPORT AND  
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. §636. On February 10, 2010, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that Defendant Group Long Term Disability for Employees of Universal Health Services, Inc. Plan No. Ltd.-512's Motion to Partially Dismiss Plaintiff's Original Complaint should be granted.

Having received the report of the United States Magistrate Judge, and no objections thereto having been timely filed, this Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge's report as the findings and conclusions of the Court.

It is, therefore, **ORDERED** that Defendant Group Long Term Disability for Employees of Universal Health Services, Inc. Plan No. Ltd.-512's Motion to Partially Dismiss Plaintiff's Original Complaint (Dkt. # 19) is **GRANTED** and Plaintiff's claims for breach of fiduciary duty, equitable

relief under 29 U.S.C. § 1132(a), and compensatory damage claim for emotional distress are **DISMISSED** with prejudice.

**IT IS SO ORDERED.**

**SIGNED this 3rd day of March, 2010.**

A handwritten signature in black ink, reading "Michael H. Schneider". The signature is written in a cursive style with a horizontal line underneath it.

MICHAEL H. SCHNEIDER  
UNITED STATES DISTRICT JUDGE