

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF TEXAS

United States District Court  
Southern District of Texas

ELITE CENTER FOR MINIMALLY INVASIVE  
SURGERY, LLC,  
*Plaintiff,*

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*versus*

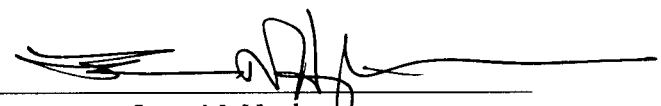
HEALTH CARE SERVICE CORPORATION, A  
MUTUAL LEGAL RESERVE COMPANY, d/b/a  
BLUECROSS BLUESHIELD OF ILLINOIS,  
*Defendant.*

**ENTERED**  
October 24, 2016  
David J. Bradley, Clerk  
CIVIL ACTION NO. 4:15-CV-00954

Order of Adoption

On October 4, 2016, Magistrate Judge Stephen Wm. Smith issued a memorandum and recommendation (Dkt. 54) to which the defendant objected (Dkt. 24). After considering the record and the law, the court overrules the objections and adopts the memorandum and recommendation as its memorandum and opinion. Defendant's motion to dismiss is granted as to Elite's § 502(c) statutory penalty claims and common law promissory estoppel claims, but denied as to Elite's claims for benefits under ERISA § 502(a)(1)(B) and state contract law.

Signed October 24, 2016, at Houston, Texas.

  
Lynn N. Hughes  
United States District Judge