

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF KENTUCKY  
AT LOUISVILLE

CIVIL ACTION NO. 3:05CV-832-H

PATRICIA GAIL MILBURN

PLAINTIFF

V.

THE HARTFORD LIFE AND  
ACCIDENT INSURANCE COMPANY

DEFENDANT

**MEMORANDUM AND ORDER**

Plaintiff has moved for attorney's fees after this Court overturned the denial of long term disability benefits under ERISA.

As the Court's opinion describes it, these are circumstances in which Defendant was arbitrary, capricious and unfair in its review of Plaintiff's claim. Defendant's discretion in determining benefits is not without limits. This decision and the award of fees should have chastening effect on future such reviews. If those reviews are fairer and more thorough, then a common benefit is provided to all beneficiaries. It is difficult to fight these appeals, thus further warranting an award.

Being otherwise sufficient advised,

IT IS HEREBY ORDERED that Plaintiff, Patricia Milburn, shall recover of Defendant, Hartford Life and Accident Insurance Company, attorney's fees in the amount of \$3,447.92.

cc: Counsel of Record