

**UNITED STATES DISTRICT COURT  
District of Maine**

<b>DOUGLAS GROSSO,</b>	)	
	)	
<b>Plaintiff</b>	)	
	)	
<b>v.</b>	)	<b>No. 1:12-cv-00327-GZS</b>
	)	
<b>AETNA LIFE INSURANCE</b>	)	
<b>COMPANY, et al.,</b>	)	
	)	
<b>Defendants</b>	)	

**ORDER AFFIRMING THE  
RECOMMENDED DECISION OF THE MAGISTRATE JUDGE**

The United States Magistrate Judge filed with the Court on September 4, 2013, her Recommended Decision (ECF No. 40). Plaintiff filed his Objection to the Recommended Decision (ECF No. 41) on September 23, 2013. Defendants filed their Response to Plaintiff's Objection to the Recommended Decision (ECF No. 42) on October 10, 2013.

I have reviewed and considered the Magistrate Judge's Recommended Decision, together with the entire record; I have made a de novo determination of all matters adjudicated by the Magistrate Judge's Recommended Decision; and I concur with the recommendations of the United States Magistrate Judge for the reasons set forth in her Recommended Decision, and determine that no further proceeding is necessary.

1. It is therefore **ORDERED** that the Recommended Decision of the Magistrate Judge is hereby **AFFIRMED**.

2. It is hereby **ORDERED** that the Motion for Judgment on the Record filed by Defendant Aetna Life Insurance Company (ECF No. 30) is hereby **DENIED**.
3. It is hereby **ORDERED** that the Motion for Judgment on the Record filed by Plaintiff (ECF No. 31) is **GRANTED IN PART** based on the lack of substantial evidence to support Defendant Aetna's decision and **DENIED** to the extent he requests a finding of disability.
4. It is hereby **ORDERED** that this matter is **REMANDED** to the claims administrator for a new review of Plaintiff's claim in accordance with the Magistrate Judge's recommendations contained in the Recommended Decision.
5. It is hereby **ORDERED** that Plaintiff's request for attorney's fees are **DENIED WITHOUT PREJUDICE** in the event Plaintiff wishes to bring that as a separate motion.

/s/George Z. Singal \_\_\_\_\_

U.S. District Judge

Dated this 20th day of October, 2013.

**Plaintiff**

**DOUGLAS GROSSO**

represented by **JASON M. JABAR**  
JABAR, BATTEN, RINGER &  
MURPHY  
ONE CENTER STREET  
WATERVILLE, ME 04901  
207-873-0781  
Email: jason@jbrllaw.com  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

V.

**Defendant**

**AETNA LIFE INS CO**

represented by **BYRNE J. DECKER**  
PIERCE ATWOOD LLP  
MERRILL'S WHARF  
254 COMMERCIAL STREET  
PORTLAND, ME 04101  
791-1100  
Email: bdecker@pierceatwood.com

*LEAD ATTORNEY  
ATTORNEY TO BE NOTICED*

**MICHAEL H. BERNSTEIN**  
SEDGWICK, LLP  
225 LIBERTY STREET  
28TH FLOOR  
NEW YORK, NY 100281-1008  
212-422-0202  
Email:  
michael.bernstein@sedgwicklaw.com  
*ATTORNEY TO BE NOTICED*

**Defendant**

**LONG TERM DISABILITY  
PLAN GROUP POLICY GP-  
492133 FOR JOHNNY'S  
SELECTED SEEDS**

represented by **BYRNE J. DECKER**  
(See above for address)  
*LEAD ATTORNEY  
ATTORNEY TO BE NOTICED*

**MICHAEL H. BERNSTEIN**  
(See above for address)  
*ATTORNEY TO BE NOTICED*