

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

MICHELE CLARK,)	
)	
Plaintiff,)	Civil No. 1:12-cv-00384-NT
v.)	
)	
THE PRUDENTIAL INSURANCE)	
COMPANY OF AMERICA,)	
)	
Defendant.)	

ORDER ON MOTION TO DISMISS

Before the Court is a motion by remaining defendant the Prudential Insurance Company of America (“**Prudential**”), to dismiss the complaint pursuant to Federal Rule of Civil Procedure 12(b)(6) for failure to state a claim for which relief may be granted. In this case, Plaintiff Michele Clark sued her former employer, its parent company, its benefits administrator, and its insurance company, Prudential, for ERISA benefits, breach of contract, refusal to provide meaningful appeal consideration, and unfair claims settlement practices for denying her claims for short-term and long-term disability benefits. On February 10, 2014, the Court granted a motion to dismiss as to the Plaintiff’s employer, its parent company, and their benefits administrator on the basis that the Plaintiff was not eligible for the benefits she claims. (ECF No. 26). While the first motion to dismiss was under advisement, the Plaintiff was pursuing administrative remedies as against Prudential and by joint agreement her claims against Prudential were stayed. *See* April 20, 2013 motion to stay (ECF No. 16) and order on motion to stay (ECF No. 20).

On January 21, 2014, the Plaintiff and Prudential concluded their administrative process, and shortly after that, Prudential filed its motion to dismiss. The Plaintiff concedes that the Court's interpretation of the terms of the benefits plan applies equally to her claims against Prudential, and seeks only to preserve her right to appeal that interpretation. For the same reasons articulated in the February 10, 2014 order, the Plaintiff's claims against Prudential fail to state claims for which relief may be granted are hereby **DISMISSED**.

SO ORDERED.

/s/ Nancy Torresen
United States District Judge

Dated this 29th day of May, 2014.

Plaintiff

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V.

Defendant

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