



## News

### Client Success: Unum Life Prevails at Ninth Circuit in ERISA Disability Benefits Case

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Hinshaw client Unum Life Insurance Company of America recently prevailed at the Ninth Circuit Court of Appeals in a case involving a claim for disability benefits by a former executive at Dreamworks. Unum issued the group insurance policy that funded the disability benefits provided under Dreamworks' ERISA-governed employee welfare benefit plan. Hinshaw partner Robert Hess represented Unum at trial and on appeal in the case.

The claimant asserted she was totally disabled due to fibromyalgia, but Unum determined she was capable of performing her occupational duties and therefore not entitled to benefits under the terms of the plan. The district court, applying a de novo standard of review, agreed with Unum that the medical evidence did not establish that the claimant was totally disabled. In finding that the claimant was not disabled from performing her occupational duties, the court noted that "mere subjective" complaints are insufficient to establish total disability. The court entered judgment in Unum's favor.

Following appeal to the Ninth Circuit, a panel of three judges affirmed the district court's order in a three page decision.

The case is *Demko v. Unum Life Insurance Company of America*, (9th Circuit) No 18-55428

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