

E-11139

APR - 3 2013

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND

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**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO/OAKLAND DIVISION**

ADR

**Paramjot SANDHU,**

) Case No.:

**C13-1491**

Plaintiff.

**COMPLAINT (ERISA)**

y.

**METROPOLITAN LIFE INSURANCE  
COMPANY and KAISER FOUNDATION  
HEALTH PLAN, INC. LONG TERM  
DISABILITY PLAN**

**Defendants.**

## INTRODUCTION

1. This case challenges Defendant Metropolitan Life Insurance Company's ("MetLife") denial of Paramjot Sandhu's ("Plaintiff") claim for long term disability benefits under the long term disability benefit plan sponsored by Kaiser Foundation Health Plan, Inc. (the "Plan") and insured by MetLife. Plaintiff is disabled under the terms of the Plan.

## JURISDICTION

2. Plaintiff brings this action for declaratory, injunctive, and monetary relief pursuant to section 502(a)(1)(B) of the Employee Retirement Income Security Act of 1974 ("ERISA"), 29 U.S.C. §§ 1132(a)(1)(B), 1132(a)(3). This Court has subject matter jurisdiction

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1 over Plaintiff's claim pursuant to ERISA § 502(e) and (f), 29 U.S.C. § 1132(e) and (f), and 28  
2 U.S.C. § 1331.

### 3 VENUE

4 3. Venue lies in the Northern District of California pursuant to ERISA § 502(e)(2),  
5 29 U.S.C. § 1132(e)(2), because the breaches alleged occurred in this District, and the ERISA-  
6 governed plan at issue was administered in part in this District. Venue is also proper pursuant to  
7 28 U.S.C. § 1391(b) because a substantial part of the events or omissions giving rise to  
8 Plaintiff's claim occurred within this District.

### 9 INTRADISTRICT ASSIGNMENT

10 4. This case should be assigned to the San Francisco/Oakland Division because the  
11 relevant acts and omissions occurred within this division.

### 12 PARTIES

13 5. At all relevant times, Plaintiff was a participant, as defined by ERISA § 3(7), 29  
14 U.S.C. § 1002(7), in the Plan.

15 6. At all relevant times, Defendant Plan was an employee welfare benefit plan  
16 within the meaning of ERISA § 3(1), 29 U.S.C. § 1002(1), sponsored by Kaiser Foundation  
17 Health Plan, Inc., and/or its predecessors in interest. At all relevant times the Plan offered,  
18 among other things, disability income benefits to employees of Kaiser Foundation Health Plan,  
19 Inc. and/or its predecessors in interest, including Plaintiff.

20 7. At all relevant times, Defendant MetLife administered benefit claims under the  
21 Plan and paid benefits owing under the Plan.

### 22 FACTS

23 8. Plaintiff has been unable to work since July 8, 2011 because of bilateral  
24 Meniere's Disease, a serious inner-ear condition which causes vertigo, migraine headaches, and  
25 hearing loss. Plaintiff's case is extremely severe; among other limitations, she is unable to safely  
26 operate a motor vehicle because of the vertigo caused by her disease, making it impossible for  
27 her to even get to work because she lives 43 miles away from her worksite. She also experiences  
28 severe dizziness (10-15 times per day), nausea, and loss of balance from routine physical

1 activities such as walking, getting out of bed, or standing up from a chair. The migraines caused  
2 by Plaintiff's condition are powerful and debilitating, often rendering Plaintiff unable to do  
3 anything other than lie down in a quiet, dark space. Plaintiff is unable to use a computer  
4 workstation for any significant period of time, and needs assistance with routine daily activities  
5 and self-care.

6 9. Plaintiff's doctor has restricted her from working or operating a motor vehicle for  
7 her own safety and the safety of others. Unfortunately, because Plaintiff's condition is bilateral,  
8 she is not a candidate for surgical treatment of the disease because such treatment would likely  
9 render her completely deaf.

10 10. Prior to becoming unable to work, Plaintiff was employed as a Quality Specialist  
11 for Kaiser Foundation Health Plan, Inc.

12 11. Plaintiff filed claims for short-term disability benefits under a plan sponsored by  
13 her employer and from the state of California; both claims were approved.

14 12. Plaintiff's first day of eligibility for long-term disability benefits under the Plan is  
15 January 4, 2012.

16 13. Plaintiff submitted a claim for long-term disability benefits under the Plan, which  
17 was denied by MetLife via letter dated August 17, 2012.

18 14. Plaintiff's appealed the August 17, 2012 determination on August 29, 2012,  
19 MetLife denied Plaintiff's appeal by letter dated November 21, 2012.

20 15. During the course of considering Plaintiff's appeal, MetLife obtained the opinion  
21 of a physician consultant, Dianne Wolf, M.D., who agreed with Plaintiff's treating that Plaintiff  
22 was restricted from performing many activities as a result of her Meniere's Disease, including  
23 any driving, that are essential for Plaintiff to be able to work in any normal out-of-the-home  
24 setting. Nonetheless, MetLife continued to deny Plaintiff's claim.

25 16. Plaintiff has exhausted her administrative remedies under the Plan.

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**[Claim for Benefits Pursuant to ERISA § 502(a)(1)(B) Against Defendant MetLife and Defendant Plan]**

18. ERISA § 502(a)(1)(B), 29 U.S.C. § 1132(a)(1)(B), permits a plan participant to

19. At all relevant times, under the terms of the Plan as set forth in the governing plan instruments, Plaintiff has been entitled to long-term disability benefit payments.

### **PRAYER FOR RELIEF**

A. Declare that Defendants violated the terms of the Plan by denying Plaintiff's claim for long-term disability benefits;

**Declare Plaintiff's right to receive future long-term disability benefits under the terms of the Plan;**

E. Provide such other relief as the Court deems equitable and just.

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4 Dated: March 29, 2013

Respectfully submitted,

5 BOLT · KEENLEY - ATTORNEYS AT LAW

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7 By

James P. Keenley  
Attorneys for Plaintiff

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