

**UNITED STATES DISTRICT COURT  
FOR THE Northern District of Illinois – CM/ECF LIVE, Ver 6.2.1  
Eastern Division**

Teresa Di Joseph

Plaintiff,

v.

Case No.: 1:17-cv-04444

Honorable Rebecca R. Pallmeyer

UnitedHealth Group, et al.

Defendant.

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**NOTIFICATION OF DOCKET ENTRY**

This docket entry was made by the Clerk on Thursday, May 3, 2018:

MINUTE entry before the Honorable Rebecca R. Pallmeyer: Ruling held on 5/3/2018. Defendant's motion to dismiss Plaintiff's Second Amended Complaint [42] is granted. For the reasons explained in this court's earlier order [36], Plaintiff's claims are completely preempted by ERISA, and barred by the reasonable deadlines set forth in Defendant's group disability insurance policy. Any effort to establish equitable tolling is defeated by record materials, properly considered by the court, that show her disabilities, if any, did not in fact prevent Plaintiff from filing suit. RICO allegations set forth in the Second Amended Complaint do not state a claim arising under that statute for several reasons, including that Plaintiff, who did not pay premiums for the disability benefit plan at issue in this case, has not alleged injury resulting from the alleged racketeering. As Defendants observe, "Plaintiff cannot be the victim of a scheme to defraud 'customers' of premium payments that she never paid and was never required to pay." (Defendant's Memorandum [43] at 11.) This case is dismissed with prejudice. Mailed notice. (etv, )

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