

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

UNIVERSITY OF WISCONSIN HOSPITALS
AND CLINICS AUTHORITY,

Plaintiff,

v.

AETNA HEALTH AND LIFE INSURANCE
COMPANY and AETNA HEALTH INSURANCE
COMPANY,

Defendants.

ORDER

15-cv-280-bbc

In an order dated September 1, 2015, I denied the motion filed by defendants Aetna Health and Life Insurance Company and Aetna Health Insurance Company to dismiss this case as a sanction for plaintiff University of Wisconsin Hospitals and Clinics Authority's failure to recognize when it filed this case that its claims were governed by the Employee Retirement Income Security Act. However, I made a tentative conclusion that plaintiff should be required to reimburse defendants for the reasonable costs and fees it incurred related to removing the case from state court and briefing their motion to dismiss. Because the parties did not discuss this issue in their briefs, I gave them an opportunity to object to the decision.

Neither side has objected to an award of reasonable fees and costs, so defendant may have until October 9, 2015, to submit an itemized request for its reasonable fees and costs

related to removal and briefing the motion to dismiss. Defendant should provide sufficient detail in its request to allow plaintiff and the court to evaluate the reasonableness of the request. If plaintiff has any objections, it may have until October 16, 2015, to file them. If necessary, defendant may have until October 20, 2015, to file a reply.

Entered this 22d day of September, 2015.

BY THE COURT:
/s/
BARBARA B. CRABB
District Judge