

**IN THE DISTRICT COURT OF THE VIRGIN ISLANDS  
DIVISION OF ST. CROIX**

<b>PATRICIA BENJAMIN</b> , court appointed ) guardian of the Estate of <b>RONALD WILLIAMS</b> , ) a Minor, ) Plaintiff. )	CIVIL NO.1:08-cv-00101
vs. )	
<b>ESSO STANDARD OIL, CO P.R. MEDICAL ) INSURANCE AIG LIFE INSURANCE CO- ) MCS and ESSO STANDARD OIL COMPANY ) (PUERTO RICO) ) Defendants )</b>	Action for ERISA damages, penalties, COBRA penalties.
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**PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT**

COMES NOW, Plaintiff files this his motion for summary judgment pursuant to Federal Rules of Civil Procedure, Rule 56(a) for statutory damages, benefits denied and statutory penalties under COBRA.

Plaintiffs motion is supported by the affidavits of Doldria Benjamin and Jadine Allen, and the exhibits thereto and the memorandum of law attached hereto.

Plaintiff is entitled to statutory damages in the amount of \$546,150.00 from February 15, 1995 until December 29, 2008. Plaintiff is also entitled to COBRA statutory damages in the amount of \$554,450.00 from December 6, 1994 up until December 29, 2008. Plaintiff is further entitled to the sum of \$ 550.00, plus interest at 9% from December 6,1994 up until judgment is entered.

DATED: December 29, 2008.

**LAW OFFICES KENTH W. ROGERS, P.C.**

Attorney for Plaintiff

s/ Kenth W. Rogers  
**KENTH W. ROGERS, ESQ.**  
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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing Motion for Partial Summary Judgment and Memorandum of Law was sent postage prepaid to Esso Standard Oil Company Puerto Rico and Esso Standard Oil Co PR Medical Insurance AIG Life Insurance Co.-MCS , P.O. Box 362916, San Juan, Puerto Rico 00936-2916 on this 29<sup>st</sup> day of December 2008.

s/ Kenth W. Rogers