

File Name: 08a0190p.06

**UNITED STATES COURT OF APPEALS**

FOR THE SIXTH CIRCUIT

GERARD F. KOLPACKE,

*Plaintiff-Appellant,*

v.

CSX PENSION PLAN; CSX TRANSPORTATION, INC.;  
CSX CORPORATION; CSX CORPORATION  
COMPREHENSIVE MEDICAL PLAN; CSX  
CORPORATION GROUP LIFE INSURANCE PLAN,

*Defendants-Appellees.*

No. 07-1959

Appeal from the United States District Court  
for the Eastern District of Michigan at Detroit.  
No. 05-73734—Victoria A. Roberts, District Judge.

Argued: May 2, 2008

Decided and Filed: May 21, 2008

Before: KENNEDY and MARTIN, Circuit Judges; HOOD, Senior District Judge.\*

**COUNSEL**

**ARGUED:** Randall E. Phillips, PROVIZER & PHILLIPS, P.C., Bingham Farms, Michigan, for Appellant. G. Christopher Bernard, BODMAN, Ann Arbor, Michigan, for Appellees. **ON BRIEF:** Randall E. Phillips, Marilyn A. Madorsky, PROVIZER & PHILLIPS, P.C., Bingham Farms, Michigan, for Appellant. G. Christopher Bernard, BODMAN, Ann Arbor, Michigan, for Appellees.

**OPINION**

BOYCE F. MARTIN, JR., Circuit Judge. Plaintiff-Appellant Gerald F. Kolpacke appeals the district court's grant of summary judgment in favor of defendants on his claim of wrongful denial of benefits in violation of the Employee Retirement Income Security Act, 29 U.S.C. § 1132 et seq. Kolpacke alleges that defendants arbitrarily and capriciously denied his claimed benefits by misapplying the relevant pension plan. The district court granted summary judgment in defendants' favor because Kolpacke had failed to show that defendants' had arbitrarily and capriciously applied the terms of the pension plan in calculating Kolpacke's estimated benefits.

\* The Honorable Joseph M. Hood, Senior United States District Judge for the Eastern District of Kentucky, sitting by designation.

We have carefully read the parties' briefs, the applicable law, and the district court's order granting summary judgment to defendants and its order denying plaintiff's motion for reconsideration, and we agree no genuine issues of material fact exist and defendants are entitled to judgment as a matter of law on Kolpacke's claim. Because the district court's decisions are well-reasoned, we see no reason to embellish upon its opinions. Therefore, we AFFIRM the district court's grant of summary judgment to defendants on Kolpacke's ERISA claim for the reasons stated in the district court's orders.