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Firm News

07/09/2018

Neal Gerber Eisenberg Secures Appeal Victory for Former CME Pit Broker

Neal, Gerber & Eisenberg LLP represented a former pit broker at the Chicago Mercantile Exchange (CME) seeking disability insurance benefits, in the U.S. Court of Appeals for the Seventh Circuit. The Neal Gerber Eisenberg team consisted of Ronald S. Betman, Steven F. Pflaum and Collette A. Brown.

Neal Gerber Eisenberg was retained after District Court Judge Shadur ruled that the insured, who waited several years after leaving the CME due to uncontrollable hand tremors before seeking medical attention and was not otherwise employed when he submitted his disability insurance claim, was not entitled to benefits under the policy.

In *Berg v. New York Life Insurance Co.*, the Seventh Circuit reversed, holding that (1) the insured's disability was to be determined when his medical condition prevented him from working at the CME, rather than when he first sought medical attention for his illness, and (2) the evidence favorable to the insured demonstrates that his "regular job" was as a pit broker at the CME, rather than as an unemployed person.

The appellate panel featured Chief Judge Wood writing for the court and Judges Posner and Easterbrook concurring.

[Click here to read the court's opinion.](#)

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