

**United States Court of Appeals  
FOR THE EIGHTH CIRCUIT**

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No. 06-1009

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Alberici Corporation, as Plan	*	
Administrator for Alberici Companies	*	
Retirement Plan;	*	
	*	
Plaintiff - Appellee,	*	
	*	
Gary Davis,	*	Appeal from the United States
	*	District Court for the Eastern
Intervenor Plaintiff -	*	District of Missouri.
Appellee,	*	
	*	[UNPUBLISHED]
v.	*	
	*	
Helen E. Davis,	*	
	*	
Defendant - Appellant.	*	

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Submitted: May 17, 2006  
Filed: July 6, 2006

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Before BYE, HANSEN, and SMITH, Circuit Judges.

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PER CURIAM.

Helen Davis appeals the district court's grant of summary judgment in favor of Alberici Corporation and Gary Davis, holding a domestic relations order entered in connection with the Davis's divorce was not a qualified domestic relations order (QDRO) as defined by 29 U.S.C. § 1056(d)(3)(D)(ii) of the Employee Retirement

Income Security Act. The district court<sup>1</sup> concluded the domestic relations order would require Alberici to pay Helen benefits in excess of the amount in Gary's retirement account. Therefore, it violated § 1056(d)(3)(D)(ii)'s prohibition against paying increased benefits and was not a QDRO. We agree. Because an extended discussion would add nothing to the well-reasoned order of the district court, we affirm under 8th Cir. R. 47B.

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<sup>1</sup>The Honorable Carol E. Jackson, United States District Judge for the Eastern District of Missouri.