

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

)	
)	
Plaintiff,)	
)	
vs.)	No. _____
)	
)	
Defendant.)	

MODEL SCHEDULING ORDER FOR ERISA CASES

Pursuant to written notice, a scheduling conference was held on [date] [or the parties met and conferred and agreed upon the matters set forth herein]. Present were _____, counsel for plaintiff, and _____, counsel for defendant.

The complaint seeks review of the termination of long-term disability benefits claimed by the plaintiff under _____, which is an Employee Welfare Benefit Plan governed by ERISA. Accordingly, there will be no discovery, and the plaintiff's claims will be determined based upon the contents of the Administrative Record which was before the defendant.

At the conference, the following dates were established as the final dates for:

DEFENDANT TO FILE ADMINISTRATIVE RECORD AND PLAN DOCUMENTS:

PARTIES' MOTIONS FOR JUDGMENT ON THE ADMINISTRATIVE RECORD:

BRIEFS IN RESPONSE TO MOTIONS FOR JUDGMENT ON THE ADMINISTRATIVE RECORD:

OTHER RELEVANT MATTERS:

This case will not be set for trial. The case will be determined based upon the parties' Motions for Judgment on the Administrative Record and the Administrative Record and Plan documents to be filed with the clerk.

The opposing parties shall file a response to the Motions for Judgment on the Administrative Record as set out hereinabove.

Neither party may file an additional reply to any motion, other than a motion filed pursuant to Fed. R. Civ. P. 12(b) or 56. As provided by Local Rule 7.2(c), if a party believes that a reply is necessary, it shall file a motion for leave to file a reply accompanied by a memorandum setting forth the reasons for which a reply is required within seven days of service of the response. Pursuant to Local Rules 12.1(c) and 56.1(c), a party moving for summary judgment or to dismiss may file a reply within 14 days after being served with the response in opposition to the motion.

The parties have/have not consented to trial before the magistrate judge.

This order has been entered after consultation with trial counsel pursuant to notice. Absent good cause shown, the scheduling dates set by this order will not be modified or extended.

IT IS SO ORDERED.

DIANE K. VESCOVO
UNITED STATES MAGISTRATE JUDGE
DATE: _____