

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
EL DORADO DIVISION

TRACY LYONS

PLAINTIFF

v.

Case No. 1:16-cv-1099

PRUDENTIAL INSURANCE COMPANY
OF AMERICA

DEFENDANT

ORDER

Before the Court is Plaintiff Tracy Lyons' Agreed Motion to Stay. (ECF No. 12). The Court has been informed that Defendant Prudential Insurance Company of America does not oppose the motion. The Court finds the matter ripe for consideration.

This case was filed pursuant to the Employee Retirement Income Security Act of 1974 ("ERISA"), 29 U.S.C. § 1001, *et seq.* In his complaint, Plaintiff alleges that his claim for Long Term Disability ("LTD") benefits was wrongfully denied by Defendant. The Administrative Record has not yet been filed.

In the instant motion, Plaintiff states that, based on documents and information obtained through written discovery obtained from former defendant CenterPoint Energy Services, Inc. prior to its dismissal, Plaintiff wishes to now pursue a voluntary second-level appeal of Defendant's denial of Plaintiff's LTD benefits claim pursuant to terms of the plan. Accordingly, the parties jointly request that the Court stay all proceedings in this matter to allow Plaintiff to submit and for Defendant to consider a voluntary second-level appeal.

Upon consideration, the Court finds that good cause has been shown for the motion. Accordingly, Plaintiff's Agreed Motion to Stay (ECF No. 12) is hereby **GRANTED**. The

parties must submit a status report to the Court every one hundred and twenty (120) days while the stay is in place. This report should be submitted to sohinfo@arwd.uscourts.gov. Within fourteen (14) days of the completion of the second-level appeal, the parties must file with the Court either a notice informing the Court that the parties have resolved Plaintiff's claims or a proposed scheduling order.

IT IS SO ORDERED, this 26th day of April, 2017.

/s/ Susan O. Hickey
Susan O. Hickey
United States District Judge