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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JEROME CLAY,

Plaintiff,

No. 2:12-cv-2027 JAM KJN PS

v.

AT&T COMMUNICATIONS OF
CALIFORNIA, INC. et al.,

Defendants.

ORDER

Plaintiff's motion to remand the action to state court (dkt. no. 10) came on for hearing before the undersigned on October 18, 2012. (Dkt. No. 18.) In light of the discussion at the hearing, IT IS HEREBY ORDERED that:

1. Within fourteen (14) days of the date of service of this order, defendants shall file a declaration by a knowledgeable person identifying the source from which short-term disability ("STD") benefits under the AT&T West Disability Benefits Program are initially paid. In particular, the declaration shall clarify whether: (1) the STD payments are paid directly from the Voluntary Employees' Beneficiary Association ("VEBA") trust to the employee (or paid from the VEBA trust to Pacific Bell or AT&T's payroll account(s), which thereafter direct payment to the employee via the eLink payroll system, i.e., with the payroll account(s) serving merely as a conduit for payments from the VEBA trust), OR (2) the STD payments are advanced


1 and paid initially from Pacific Bell or AT&T's general assets or payroll accounts via the eLink
2 payroll system, with Pacific Bell or AT&T subsequently obtaining reimbursement from the
3 VEBA trust.

4 2. Plaintiff may file an appropriate response to defendants' declaration within
5 seven (7) days of service with defendants' declaration, after which the motion will be submitted
6 on the record.

7 3. The parties shall not file any further supplemental briefing other than the
8 limited filings required and/or authorized above.

9 IT IS SO ORDERED.

10 DATED: October 18, 2012

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KENDALL J. NEWMAN
14 UNITED STATES MAGISTRATE JUDGE
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