

1 prejudice because Plaintiff's claim is solely for his individual benefit and not for the benefit of
2 the Plan, and Plaintiff has an adequate remedy at law under ERISA in his First Cause of Action
3 for Recovery of Benefits;

4 2. Defendants' Motion to Dismiss Plaintiff's Third Cause of Action for Failure to
5 Produce Documents is denied;

6 3. Item six of Plaintiff's prayer for relief, for the removal of Prudential as Plan
7 fiduciary, is stricken from the Complaint with prejudice because there is no predicate act for this
8 request for relief; and

9 4. Defendants' Motion to Strike Plaintiff's item seven from the prayer for relief, for
10 an injunction preventing future termination of Plaintiff's benefits, is denied.

11 **IT IS SO ORDERED.**

12 DATED: August 12, 2009

Gordon & Rees LLP
275 Battery Street, Suite 2000
San Francisco, CA 94111



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