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United States District Court
For the Northern District of California

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

Denise Anderson,

NO. C 11-03865 JW

Plaintiff,

SCHEDULING ORDER

v.

Lawrence Livermore Nat'l Sec. Health and
Welfare Benefit Plan for Emps., et al.,

Defendants.

This case is scheduled for a Case Management Conference on February 6, 2012. Pursuant to the Federal Rules of Civil Procedure and Local Rules of this Court, the parties conferred and duly submitted a Joint Case Management Statement and Proposed Order. (See Docket Item No. 19.)

In their Joint Statement, the parties propose a discovery deadline but do not request any specific discovery. Because this is an appeal of a denial of ERISA benefits, the Court need only evaluate the administrative record. Limited discovery is available in certain circumstances.¹ However, the parties have failed to provide the Court with sufficient information in their Joint Statement to determine whether discovery is necessary. Accordingly, the Court declines to set a discovery schedule at this time. Should either party wish to conduct discovery, the party must move the Court for leave to do so and must specifically identify the discovery sought.

¹ See Employee Retirement Income Security Act of 1974, 29 U.S.C §§ 1001 *et seq.*

1 The parties also propose a schedule for a bench trial. The Court finds that the setting of a
2 bench trial would be premature without first setting a schedule for cross-motions for summary
3 judgment. Thus, the Court declines to schedule a trial at this time.


4 Based on the nature of the case and the dates provided in the parties' Joint Statement, the
5 Court finds that a schedule can be set for this case without the necessity of an appearance at this
6 time. Accordingly, the Case Management Conference is VACATED and the parties are ordered to
7 comply with the following schedule:

8 **CASE SCHEDULE**

9 Deadline for Filing Administrative Record	March 19, 2012
10 Last Day for Hearing Motions to Augment the Record	June 11, 2012
11 Hearing on Anticipated Cross-Motions for Summary Judgment	September 24, 2012 at 9 a.m.

12
13 None of the dates set in this Order may be changed without an order of the Court made after
14 a motion is filed pursuant to the Civil Local Rules of Court. All motions shall be briefed in
15 accordance with the Civil Local Rules.

16
17 Dated: February 1, 2012



JAMES WARE
United States District Chief Judge

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1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

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7 Russell George Petti rpetti@petti-legal.com

8 **Dated: February 1, 2012**

Richard W. Wieking, Clerk

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By: /s/ JW Chambers
Susan Imbriani
Courtroom Deputy