

United States District Court
Northern District of California

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

KRYSTEN C.,
Plaintiff,
v.
BLUE SHIELD OF CALIFORNIA,
Defendant.

Case No. [15-cv-02421-RS](#)

**ORDER RE BRIEFING AND
SCHEDULING**

This is an action under Employee Retirement Security Act of 1974 (ERISA), 29 U.S.C. §1001 et seq. challenging a determination by defendant Blue Shield of California that, as of a particular point in time, plaintiff was no longer eligible to receive benefit coverage for residential inpatient treatment of her anorexia nervosa, major depressive disorder, and related conditions. A bench trial has been set for August 29, 2016.

Blue Shield has now noticed a motion for summary judgment for June 30, 2016. There are circumstances in ERISA cases where factual disputes render summary judgment for either side unavailable. Because review ordinarily is based on the administrative record, however, a “bench trial” in these cases often is very similar to a hearing on cross-motions for summary judgment. Additionally, assuming plaintiff may wish to bring a motion for summary judgment as well, judicial efficiency is not served by entertaining six briefs on summary judgment, possibly followed by additional briefing in connection with the bench trial, if disputed factual issues emerge.

