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**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

GEOFFREY MOYLE, an individual;  
PAULINE ARWOOD, an individual;  
THOMAS ROLLASON, an  
individual; and JEANNIE SANDERS,  
an individual, on behalf of themselves,

Plaintiff,

vs.

LIBERTY MUTUAL RETIREMENT  
BENEFIT PLAN; LIBERTY  
MUTUAL RETIREMENT PLAN  
RETIREMENT BOARD; LIBERTY  
MUTUAL INSURANCE GROUP,  
INC., a Massachusetts company;  
LIBERTY MUTUAL INSURANCE  
COMPANY, a Massachusetts  
company,

Defendants.

CASE NO.10cv2179-GPC(MDD)

**ORDER SETTING BRIEFING  
SCHEDULE FOR  
SUPPLEMENTAL BRIEFING ON  
DEFENDANTS' MOTION FOR  
SUMMARY JUDGMENT**

The court held a status conference on September 6, 2016 after the Ninth Circuit issued its mandate affirming in part and reversing in part the Court's order on summary judgment and remanding the case. (Dkt. No. 282.) Prior to setting the matter for trial, Defendants request that the Court address the statute of limitations issue that was not addressed by this Court or the Ninth Circuit as it relates to the remaining claim under 29 U.S.C. § 1132(a)(3).

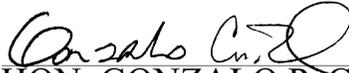
In light of the Court's ruling on Defendants' motion for summary judgment, the

1 Court did not address Defendants’ argument on statute of limitations concerning the  
2 cause of action under 29 U.S.C. § 1132(a)(3). (Dkt. No. 252 at 26 n.9.) The Ninth  
3 Circuit also declined to address Defendants’ argument on this issue and commented  
4 that the “district court may consider such arguments on remand.” Moyle v. Liberty  
5 Mut. Retirement Benefit Plan, – F.3d –, 2016 WL 4394583, at \*8 n.5 (9th Cir. 2016).

6 The Court finds it appropriate to consider the statute of limitations issue that  
7 might bar the claims under 29 U.S.C. § 1132(a)(3). Accordingly, IT IS HEREBY  
8 ORDERED that Defendants shall file a supplemental brief, no longer than 10 pages,  
9 to address any recent developments in the law on or before **October 28, 2016.**  
10 Plaintiffs shall file an opposition, no longer than 10 pages, on or before **November 10,**  
11 **2016.** Defendants shall file a reply of no longer than 5 pages on or before **November**  
12 **18, 2016.** A hearing is set on **December 16, 2016 at 1:30 p.m.** in Courtroom 2D.

13 IT IS SO ORDERED.

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15 DATED: October 14, 2016

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17 HON. GONZALO P. CURIEL  
18 United States District Judge  
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