

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Honorable Marcia S. Krieger

Civil Action No. 07-cv-00185-MSK-CBS

JEAN MORGAN,

Plaintiff,

v.

UNUM LIFE INSURANCE COMPANY OF AMERICA,

Defendant.

ORDER SETTING HEARING UNDER FED.R.CIV.P. 16

THIS MATTER comes before the Court upon a Complaint filed by the Plaintiff seeking to recover benefits under the Employee Retirement Income Security Act of 1974 ("ERISA"), 29 U.S.C. § 1132(a)(1)(B). In light thereof, a hearing pursuant to Fed. R. Civ. P. 16(b) and D.C.COLO.LCivR 16.1 is necessary.

IT IS ORDERED that:

- (1) A hearing is set for **April 2, 2007 at 4:00 p.m.** in Courtroom A901 of the United States Courthouse located at 901 19th Street, Denver, Colorado.
- (2) On or before **March 19, 2007**, and in conformance with Fed. R. Civ. P. 26(f), D.C.COLO.LCivR 16.1, 16.2 and 26.1, and this Order, the parties shall prepare and submit a proposed scheduling order. The proposed scheduling order shall be in the form specified by D.C.COLO.LCivR Appendix F **except** that:
 - (a) It shall not contain a signature line for a judicial officer.
 - (b) It shall address the following:

Standard of Review:

 - Do the plan documents confer discretion upon the plan administrator to interpret the plan?
 - Is this Court's review of the plan administrator's decision *de novo* or under an arbitrary and capricious standard?

Administrative Record:

 - What documents comprise the administrative record?
 - How much time do the parties need to compile and submit the

administrative record?

Discovery:

- Does the claimant contend that the plan administrator had a conflict of interest in administering the plan? If so, are there facts in dispute concerning this issue?
 - Is there a need for discovery?
- (c) It shall not address the matters set forth in Section 8 (Case Plan and Schedule), Section 10 (Other Scheduling Issues) or Section 11 (Dates for Further Conferences) of Appendix F.
- (3) No later than **February 26, 2007**, the parties shall meet and confer regarding the contents of the proposed scheduling order pursuant to Fed. R. Civ. P. 26(f).
- (4) No later than **March 19, 2007**, the parties shall stipulate to and file all pertinent ERISA plan documents including summary plan descriptions. At the conference, the parties shall be prepared to address all applicable provisions in the plan documents.
- (5) At the scheduling conference, the parties shall be prepared to address the issues covered by the proposed scheduling order and any other issues enumerated in Fed. R. Civ. P. 16(c).
- (6) No later than **February 15, 2007**, the Plaintiff shall serve a copy of this Order on the Defendant with the Complaint, or without the Complaint if the Complaint has already been served on the Defendant, and file a certificate of service with the Court no later than **February 22, 2007**.

Dated this 31st day of January, 2007

BY THE COURT:

A handwritten signature in black ink, reading "Marcia S. Krieger". The signature is written in a cursive style with a large initial 'M' and a period after the first name. It is positioned above a horizontal line.

Marcia S. Krieger
United States District Judge