

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

Civil Action No. 09-cv-00254-MSK

DONALD MIKESELL,

Plaintiff,

v.

KATHLEEN SEBELIUS, THE SECRETARY OF THE DEPARTMENT OF HUMAN
SERVICES, in her official capacity, as the representative of Medicare,

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. **This is not a scheduling conference; do not submit a proposed scheduling order.**

IT IS ORDERED:

- (1) A hearing is set for **December 15, 2009 at 10:00 a.m.** in Courtroom A901 of the United States Courthouse located at 901 19th Street, Denver, Colorado. Counsel shall bring their calendars.
- (2) At least ten (10) days prior to the hearing, the parties shall meet and confer and file a joint statement addressing the following issues:

Administrative Record:

- Whether the parties agree upon the administrative record.
- How much time the parties need to compile and file the administrative record.

Standard of Review:

- Whether the parties agree upon the standard of review. If so, what is the standard of review? If there is a disagreement, state the parties' positions.

Expedited Procedure

- Do the parties agree that this case is amenable to an expedited determination based upon the administrative record and consideration of

opposing briefs?

- (3) If the Defendant(s) has/have not been served with the Summons and Complaint, this Order shall be served together with the Summons and Complaint within ten (10) days of the date of this Order.

DATED this 5th day of October, 2009.

BY THE COURT:



Marcia S. Krieger
United States District Judge