

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Senior District Judge Richard P. Matsch

Civil Action No. 09-cv-00471-RPM

RUSSEL McKEEHAN,

Plaintiff,

v.

VERIZON BUSINESS HEALTH AND WELFARE PLAN,
an employee benefit plan, and
ZURICH AMERICAN INSURANCE COMPANY,

Defendants.

ORDER MODIFYING RULE 16 PROCEDURE - ERISA

Because this is an action brought under the Employee Retirement Income Security Act of 1974 ("ERISA"), 29 U.S.C. § 1132(a)(1)(B), no scheduling conference under Fed.R.Civ.P. 16(b) and D.C.COLO.LCivR 16.1 is necessary. As an alternative, it is

ORDERED:

That on or before November 16, 2009, counsel for the parties shall file a joint statement addressing the following matters:

1. Whether the parties agree upon the contents of the administrative record.
2. Whether the parties agree upon the standard of review. If there is a disagreement, state the parties' positions.
3. Whether any discovery is necessary. If so, provide a statement of what discovery is sought and why it is necessary.

4. Whether there is any reason to proceed in any manner other than to establish a briefing schedule based on the administrative record.
5. Whether the parties are in agreement that the submission of the entire administrative record is not necessary, understanding that those portions relied upon will be submitted as appendices to the briefs.
6. The dates for the filing of briefs addressing the issues.

If there is disagreement on any of these matters, the Court will set a conference to resolve the disputes.

Dated: October 16th, 2009

BY THE COURT:

s/Richard P. Matsch

Richard P. Matsch, Senior District Judge