

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

Civil Action No.09-cv-01638-MSK-MJW

SEAN MEYER,

Plaintiff,

v.

MUTUAL OF OMAHA INSURANCE COMPANY,

Defendant.

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

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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 8, 2009, at 4:00 p.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 5<sup>th</sup> day of October, 2009.

**BY THE COURT:**

A handwritten signature in black ink, reading "Marcia S. Krieger", written in a cursive style. The signature is positioned above a horizontal line.

Marcia S. Krieger  
United States District Judge