

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Philip A. Brimmer**

Civil Action No. 09-cv-03016-PAB-MEH

JESSICA KRUSE,

Plaintiff,

v.

THE PRUDENTIAL INSURANCE COMPANY OF AMERICA and
ADP, INC., also known as Automatic Data Processing, Inc.,

Defendants.

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 appropriate. It is

ORDERED that:

1. A hearing is set for **April 16, 2010 at 10:00 a.m.** in Courtroom A701 at the United States Courthouse located at 901 19th Street, Denver, Colorado. Counsel shall bring their calendars. This is not a scheduling conference. The parties should not submit a proposed scheduling order.

2. At least ten 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

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

DATED March 12, 2010.

BY THE COURT:

s/Philip A. Brimmer
PHILIP A. BRIMMER
United States District Judge