

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

Civil Action No. 10-cv-00074-PAB

KIRK F. MALDONADO,

Plaintiff,

v.

PRUDENTIAL INSURANCE COMPANY OF AMERICA,

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 appropriate. It is

ORDERED that:

1. A hearing is set for **April 8, 2010 at 2:30 p.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 February 25, 2010.

BY THE COURT:

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