

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

SHIRLEY JOHNSON,

Plaintiff,

v.

CASE NO: 8:10-cv-2837-T-26TBM

SEDGWICK CLAIMS MANAGEMENT
SERVICES, INC.,

Defendant.

ORDER

Because the parties in this ERISA case previously advised the Court that they were proceeding on the administrative record,¹ the Court directed them to file memoranda of law in support of their respective positions.² The parties have instead responded with motions for summary judgment under Rule 56 of the Federal Rules of Civil Procedure. Under these circumstances, the Court agrees with the Eleventh Circuit's observation in Doyle v. Liberty Life Assurance Co., 542 F.3d 1352, 1363 n.5 (11th Cir. 2008), that "[r]ule 56 practice seems to be an extra and unnecessary step . . ." Accordingly, the Motions for Summary Judgment (Dkts. 17 and 18) are denied as unnecessary and will be treated by the Court as memoranda of law.

DONE AND ORDERED at Tampa, Florida, on April 14, 2011.

s/Richard A. Lazzara

RICHARD A. LAZZARA
UNITED STATES DISTRICT JUDGE

COPIES FURNISHED TO:
Counsel of Record

¹ See docket 9.

² See docket 11.