

the administrative record, and “the procedure the parties followed ... [was] more akin to a bench trial than to a summary judgment ruling.”).

3. The parties have agreed to the admissibility of the administrative record which was filed on February 1, 2010 and June 17, 2011. [Docket #52, 130-132].

4. Plaintiff’s Amended Complaint challenged the alleged that the denial of Plaintiff’s long term disability claim while also claiming that Plaintiff was always able to perform his job functions with or without a reasonable accommodation from his employer.

5. The undisputed administrative record evidence shows that the Plan is entitled to judgment in its favor.

6. In support of this Motion, Defendant submits its Memorandum in Support of its Motion for Judgment on the Administrative Record, which is hereby incorporated in this Motion as if stated fully herein.

WHEREFORE, Defendant, Tredegar Corporation Employee Benefit Plan, respectfully requests that this Court **GRANT** its Motion for Judgment on the Administrative Record, and award Defendant its costs and attorney’s fees incurred in defending this lawsuit, and such other relief as the Court deems proper.

Respectfully submitted,

OGLETREE, DEAKINS, NASH, SMOAK & STEWART, P.C.

/s/ Eric P. Mathisen

Eric P. Mathisen, #19475-71 (IN)

225 Aberdeen Drive, Suite F

Valparaiso, in 46385

Tel: (219) 242-8666

Fax: (219) 242-8669

eric.mathisen@ogletreedeakins.com

CERTIFICATE OF SERVICE

I hereby certify that on June 20, 2011, a copy of the foregoing pleading was filed electronically. Notice of this filing will be sent to the following parties by operation of the Court's CM/ECF system.

Susan Best
BEST, VANDERLAAN & HARRINGTON
25 E. Washington St.
Suite 210
Chicago, IL 60602

OGLETREE, DEAKINS, NASH, SMOAK & STEWART, P.C.

/s/ Eric P. Mathisen
Eric P. Mathisen, #19475-71 (Indiana)
225 Aberdeen Drive, Suite F
Valparaiso, IN 46385
Tel: (219) 242-8666
Fax: (219) 242-8669
eric.mathisen@ogletreedeakins.com