

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. [Docket #52].

4. Plaintiff’s Amended Complaint alleged that the denial of long term disability benefits was arbitrary and capricious 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.

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CERTIFICATE OF SERVICE

I hereby certify that on the 12th day of February, 2010, a true and correct copy of the following instrument was sent via electronic means and to the following counsel of record, and no other means of service is required:

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