

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
AT LOUISVILLE

CIVIL ACTION NO. 3-13-CV-67-H

OLIVIA WILLIAMS

PLAINTIFF

v.

ANTHEM LIFE INSURANCE COMPANY

DEFENDANT

MEMORANDUM AND ORDER

Plaintiff, Olivia Williams, is the beneficiary of a death insurance policy under a group life plan through her husband's employer, the Dant Clayton Corporation. Defendant, Anthem Life Insurance Company, underwrote and administered the policy. ERISA governs the matter in dispute. Anthem denied Plaintiff's initial claim and she subsequently filed this action in federal court to contest that decision. Plaintiff has now moved for a judgment on the pleadings or, in the alternative, for leave to conduct any discovery and to submit additional proof beyond the administrative record.

The parties seemed to have engaged in a very counterproductive dispute which, for the most part, ignores the traditional rules of ERISA jurisprudence. The Court will deny both of Plaintiff's motions as premature and set forth a process to get this case and the resolution back on a reasonable track.

First, the Court will allow a time period within which Anthem must file the administrative record. In most instances, the Court will decide the subsequent motions based upon that record alone. However, there are exceptions to that general rule. Therefore, the Court will allow a time within which Plaintiff may move for discovery or to supplement the administrative record. The Court will consider any such motions in due course. Thereafter, the

parties will file motions based on the final record as is normally the process in ERISA litigation.

Being otherwise sufficiently advised,

IT IS HEREBY ORDERED that on or before **August 5, 2013**, Defendant shall file a complete copy of the administrative record.

IT IS FURTHER ORDERED that on or before **August 19, 2013**, Plaintiff shall make any objections she deems appropriate to the administrative record or shall file a request for additional discovery.

IT IS FURTHER ORDERED that after the Court resolves any disputes regarding the administrative record, it shall set a final briefing schedule for resolution of this case.

July 10, 2013

Handwritten signature of John G. Heyburn II in black ink, written over the official seal of the United States District Court for the District of Columbia.

**John G. Heyburn II, Judge
United States District Court**

cc: Counsel of Record