

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
MONROE DIVISION

DORETHA M. BEAVER

CIVIL ACTION NO. 11-0899

versus

JUDGE WALTER

DOLLAR TREE STORES, INC.,  
ET AL.

MAGISTRATE JUDGE KIRK

**MEMORANDUM ORDER**


The plaintiff seeks judicial review of his ERISA plan administrator's denial of a claim for benefits. The administrative record is ordinarily the only information the court may consider when reviewing such a case. It is the plan administrator's obligation to identify the evidence in the administrative record, but the claimant is permitted a reasonable opportunity to contest whether that record is complete. See Vega v. National Life Ins. Services, 188 F.3d 287, 299 (5th Cir. 1999) (en banc); Estate of Bratton v. National Union Fire Ins. Co., 215 F.3d 516, 521 (5th Cir. 2000). This schedule is issued in accordance with those principles.

Counsel for defendant is directed to deliver a copy of the relevant plan documents and the entire administrative record to counsel for the plaintiff by **December 23, 2011**. Counsel for the plaintiff should review the record and promptly advise counsel for the defendant of any contentions that the record is not complete, so that any such issues may be resolved on a timely basis. The parties are directed to file by **January 27, 2012** a joint stipulation of facts setting out any necessary background facts and stipulating to the submission of the case for decision on the administrative record and plan documents, which are to be submitted along with the stipulation. By the same date,

plaintiff shall file his brief on the merits. The defendant's brief is due by **February 10, 2012**. If necessary, plaintiff may file a reply upon leave of Court.

The Clerk is directed to list this matter on the next Motion Day thereafter as submitted to the undersigned for decision on the stipulated record.

THUS DONE AND SIGNED at Shreveport, Louisiana, this 22<sup>ND</sup> of November, 2011.



DONALD E. WALTER  
UNITED STATES DISTRICT JUDGE