

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION

CIVIL CASE NO. 1:09cv455

JAMES GREGORY WARD,)
)
 Plaintiff,)
)
 vs.)
)
 CIGNA LIFE INSURANCE COMPANY)
 of NEW YORK,)
)
 Defendant.)
 _____)

ORDER

THIS MATTER is before the Court on the parties' Certification and Report of Initial Attorney's Conference [Doc. 5].

In this action brought pursuant to the Employee Retirement Income Security Act (ERISA), 29 U.S.C. §1001, *et. seq.*, the parties have advised that they do not request a conference with the Court prior to the entry of a scheduling order. The Court, having reviewed the parties' certification, therefore enters the scheduling order as agreed by the parties.

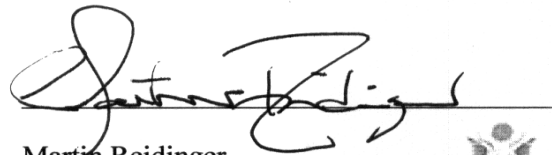
IT IS, THEREFORE, ORDERED as follows:

1. Defendant shall file a copy of the insurance policy at issue and the administrative record on or before February 2, 2010. In the event that the Defendant believes documents to be privileged, it will prepare a privilege log.
2. Because this is an action brought pursuant to ERISA, the parties believe that discovery is unnecessary. To the extent the Plaintiff claims that the administrative record is incomplete, he shall seek discovery of such items on or before February 23, 2010.
3. The parties believe that settlement may be enhanced by use of a mediated settlement conference. The parties shall file notice of the selection of the mediator on or before February 23, 2010 and mediation shall occur on or before March 23, 2010. The parties shall file a mediation report seven (7) days after the completion of mediation.
4. In the event that mediation is unsuccessful, the Plaintiff shall file his motion for summary judgment on or before thirty (30) days from the filing of the mediation report. The Defendant shall file its cross-motion for summary judgment together with response on or before thirty (30) days from the filing of the Plaintiff's motion for summary

judgment. The Plaintiff's response, if any, shall be filed on or before fourteen (14) days from the filing of the Defendant's motion for summary judgment. The parties agree that the case shall be resolved on cross-motions for summary judgment and therefore no trial setting is required.

5. Briefs in support of or in response to motions for summary judgment shall not exceed twenty-five (25) pages in length absent permission from the Court. All pleadings must be double-spaced, size fourteen (14) font.

Signed: January 26, 2010


Martin Reidinger
United States District Judge

