

**IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF NORTH CAROLINA
BRYSON CITY DIVISION
2:14 CV 29**

GEORGE W. SHOPE,)
)
 Plaintiff)
)
 v)
)
 FRONTIER COMMUNICATIONS)
 CORPORATION, FRONTIER)
 COMMUNICATIONS CORPORATE)
 SERVICES, INC. SOUTHEASTERN PLAN)
 FOR HOURLY PAID EMPLOYEES’)
 PENSIONS SERVICES; and its)
 EMPLOYEE BENEFITS COMMITTEE,)
 As the Plan Fiduciary and Administrator;)
 HEWITT ASSOCIATES, LLC,)
)
 Defendants.)

ORDER

THIS MATTER came before the undersigned for hearing on April 17, 2014 pursuant to an Order (#36) entered by the undersigned scheduling a hearing concerning the naming of parties defendant in this matter and also the issue of whether or not Plaintiff would be entitled to a jury trial. After hearing from the parties in this matter, the undersigned enters the following Order:

ORDER

IT IS, THEREFORE, ORDERED:

- 1) That Frontier Communications Pension Plan shall provide to the

Plaintiff the following documents: (a) a complete copy of the Employee Benefits Plan that applies to that which the Plaintiff is a member; (b) a copy of all documents that shows that Frontier Communications Corporate Services, Inc. Southeastern Plan for hourly Paid Employees' Pensions Services has merged into "Frontier Communications Pension Plan" and the date of such merger; (c) a copy of all documents that show that "The Employee Benefits Committee" as the Plan Fiduciary and Administrator as set forth in the Plaintiff's Complaint, First Amended Complaint, and Second Amended Complaint is now known as "Frontier's Retirement Investment and Administration Committee" and also all documents that show the proper name for the plan administrator of the Employee Benefit Plan which the Plaintiff describes in the Plaintiff's Complaint, First Amended Complaint and Second Amended Complaint. Such documentation shall be provided by counsel for Frontier Communications Corporation, Frontier Communications Pension Plan and Frontier's Retirement Investment and Administration Committee within ten (10) days from and after April 17, 2015. Also to be delivered at that time is a letter from counsel for Defendants Frontier Communications Corporation, Frontier Communications Pension Plan, and Frontier's Retirement Investment Administration Committee setting forth, in writing, from Defendants' counsel the proper of the parties who should be named as defendants in this matter;

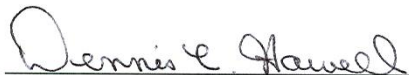
2) That the Plaintiff shall have a period of seven (7) days after the delivery of the above referenced documents to file a Third Amended Complaint;

3) That within seven (7) days after the filing of the Third Amended Complaint, Defendants shall file an Answer to the Third Amended Complaint. Defendants' counsel shall accept service of the Plaintiff's Third Amended Complaint;

4) It is **FURTHER ORDERED** that within seven (7) days of the filing of the Answer of Defendants, the parties shall file a Certification and Report of Federal Rule of Civil Procedure 26(f) Conference and Discovery Plan in accordance with the Local Rules of Civil Procedure for the Western District of North Carolina;

5) Plaintiff's counsel has agreed that due to the nature of Plaintiff's Complaint requesting relief under 21 U.S.C. § 1132 Plaintiff is not entitled to a jury trial in this matter.

Signed: April 23, 2015



Dennis L. Howell
United States Magistrate Judge

