

**IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
CIVIL CASE NO. 3:05cv422**

**JOHN M. CHURCH,** )  
 )  
 **Plaintiff,** )  
 )  
 **vs.** )  
 )  
 **WACHOVIA SECURITIES,** )  
 **INC. and WACHOVIA** )  
 **CORPORATION,** )  
 )  
 **Defendants.** )  
 \_\_\_\_\_ )

**ORDER**

**THIS MATTER** is before the Court *sua sponte*.

This matter is currently scheduled for trial during the Court's February 17, 2009 trial term. In light of the Court's Order granting the Defendant's Motion for Summary Judgment on Plaintiff's First, Second, Third, and Fourth Claims for Relief, the only claim remaining for trial is the Plaintiff's claim for severance benefits, a claim which is governed by the Employee Retirement Income Security Act of 1974, 29 U.S.C. §1001, et seq. ("ERISA").

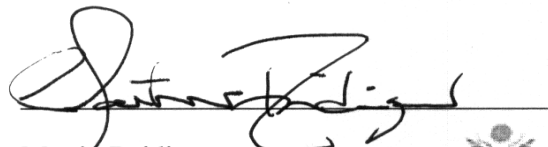
Accordingly, **IT IS, THEREFORE, ORDERED** that on or before **January 9, 2009**, the parties are to advise the Court whether they need to

present evidence on the Plaintiff's ERISA claim or whether such claim can be decided on the record.

In either case, **IT IS FURTHER ORDERED** that the full ERISA record is to be filed with the Court on or before **February 1, 2009**.

**IT IS SO ORDERED.**

Signed: December 30, 2008

  
Martin Reidinger  
United States District Judge

