

**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

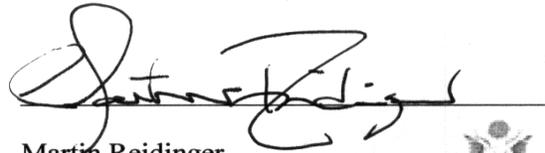
THIS MATTER is before the Court on the parties' respective status reports [Docs. 93, 94], filed on January 9, 2009.

This matter is currently scheduled during the Court's February 17, 2009 trial term. The Plaintiff indicates in his report that he intends to present evidence concerning his claim for severance benefits at the trial of this matter. [Doc. 93]. The Defendants, on the other hand, contend that the Plaintiff never filed a claim under the Defendants' ERISA severance plan claim procedures and thus Plaintiff's claim is subject to dismissal for failure to exhaust his administrative remedies. [Doc. 94].

Accordingly, **IT IS, THEREFORE, ORDERED** that this matter is hereby set for a pretrial conference to be held on **February 5, 2009 at 1:30 p.m.** At that time, the parties shall be prepared to address whether Plaintiff is entitled to go forward with his claim for severance benefits.

IT IS SO ORDERED.

Signed: January 14, 2009


Martin Reidinger
United States District Judge 