

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
CIVIL ACTION NO. 5:15-CV-00125-RLV-DCK**

LUZ MARIA LOPEZ,)	
)	
Plaintiff,)	
)	
v.)	<u>ORDER</u>
)	
RELIANCE STANDARD LIFE INSURANCE COMPANY,)	
)	
Defendant.)	
)	

THIS MATTER IS BEFORE THE COURT on Defendant Reliance Standard Life Insurance Company’s Motion to Dismiss (the “Motion”). [Doc. No. 3]. The Plaintiff, Luz Maria Lopez, is represented by counsel and has filed no opposing memorandum. The Court has reviewed the Defendant’s Motion and finds that the Motion relies on matters outside of the pleadings. *See* [Doc. No. 4]; [Doc. No. 4-1]; [Doc. No. 4-2]; [Doc. No. 4-3]. Pursuant to Rule 12(d) of the Federal Rules of Civil Procedure, the Court hereby **GIVES NOTICE** to the parties that it shall convert the motion to dismiss into a motion for summary judgment. *See* Fed. R. Civ. Pro. 12(d). Accordingly, the parties are hereby **GRANTED LEAVE** to file supplemental documents sufficient to support or oppose a motion for summary judgment. The Court is particularly interested in any admissible evidence, presented by either affidavit or deposition, showing that the Plaintiff failed to exhaust her appeal rights.

Defendant shall be permitted to file a supplemental brief, not to exceed **FIVE (5) PAGES**, discussing any additional supporting authority or evidence. Plaintiff shall be given an opportunity to respond to the Defendant’s supplemental briefing in a brief not to exceed **TEN (10) PAGES**. There shall be no replies. Defendant shall file its supplemental briefing and/or evidence within

FOURTEEN (14) DAYS of the date of this Order. Plaintiff shall file her responsive brief, if any, within **SEVEN (7) DAYS** thereafter. The Court's consideration of the Motion (Doc. No. 3) is hereby **DEFERRED** until this supplemental briefing period has expired.

SO ORDERED.

Signed: April 19, 2016

A handwritten signature in black ink, reading "Richard L. Voorhees". The signature is written in a cursive style with a horizontal line underneath the name.

Richard L. Voorhees
United States District Judge

