

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

PAUL L. FELKER, et al.,

Plaintiffs,

v.

USW LOCAL 10-901, USW LOCAL 10-901
(SU) AND USW LOCAL 10-901 (NE)
MARCUS HOOK REFINERY WORKERS
INVOLUNTARY TERMINATION PLAN,

Defendant.

CIVIL ACTION
NO. 13-7101

SCHEDULING ORDER

AND NOW, this 23rd day of April, 2015, in accordance with the Opinion of the Court issued this day, it is **ORDERED** as follows:

1. Plaintiffs may conduct fact discovery only on the Plan Administrator's conflict of interest. Discovery shall be completed by **June 23, 2015**.
2. Defendant shall serve upon Plaintiffs' counsel the full administrative record on or before **July 7, 2015**. Defendant shall simultaneously deliver a courtesy copy of the full administrative record in three-ring binders to Chambers. The administrative record shall include a table of contents identifying each document by its description (*e.g.*, letter, discharge summary, medical record, report), date, source or author, and inclusive bates-stamped page number(s). The parties shall confer and include within the binder delivered to Chambers any evidence developed in discovery as permitted in paragraph 1 of this Order.
3. The parties shall file and serve cross-motions for summary judgment no later than **September 29, 2015**. Responses to such motions shall be filed no later than **October 20,**

2015. Motions for summary judgment and responses shall be filed in the form prescribed in the Court's Notice to Counsel and Judge Slomsky's Scheduling and Motion Policies and Procedures, specifically:

- (a) The movant shall file, in support of the motion for summary judgment, a Statement of Undisputed Facts which sets forth, in numbered paragraphs, all material facts which the movant contends are undisputed;
- (b) The respondent shall file, in opposition to the motion for summary judgment, a separate Statement of Disputed Facts, responding to the numbered paragraphs set forth in the movant's Statement of Undisputed Facts, which the respondent contends present a genuine issue to be tried. The respondent also shall set forth, in separate numbered paragraphs, any additional facts which the respondent contends preclude summary judgment.
- (c) All material facts set forth in the Statement of Undisputed Facts required to be served by the movant shall be taken by the Court as admitted unless controverted by the opposing party.
- (d) Statements of material facts in support of or in opposition to a motion for summary judgment shall include specific, not general, references to the parts of the record which support each of the statements. Each stated fact and each statement that a material fact is disputed shall cite the source relied upon, including the title, page, and line of the document supporting the statement. Failure of the movant to follow this procedure in all respects will result in the denial of the motion. Respondent's failure to comply will result in the Court's considering the motion as uncontested.

4. The parties shall appear for mediation before Chief U.S. Magistrate Judge Carol Wells on **October 26, 2015 at 10:30 a.m.** in Room 3016, U.S. Courthouse, 601 Market Street, Philadelphia, Pennsylvania. The parties and/or persons with full authority to settle must accompany counsel to the mediation unless excused in advance by Judge Wells.

BY THE COURT:

/s/ Joel H. Slomsky, J.
JOEL H. SLOMSKY, J.