

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

KELLY LUCAS :
 :
 : CIVIL ACTION
 v. :
 :
 : NO. 11-4417
 LIBERTY LIFE ASSURANCE :
 COMPANY OF BOSTON ET AL. :

FILED
DEC 18 2011
MICHAEL J. KRUNZ, Clerk
Dep. Clerk

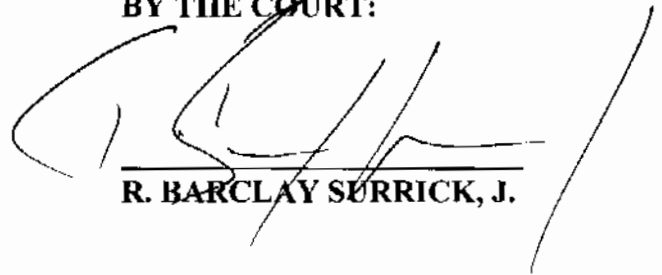
ORDER

AND NOW, this 15th day of December, 2011, upon consideration of Plaintiff Kelly Lucas's Motion for Discovery, and all papers submitted in support thereof and in opposition thereto, it is **ORDERED** that the Motion be **GRANTED IN PART** and **DENIED IN PART** as follows:

1. Plaintiff may take one deposition of Defendants' Appeal Review Consultant, Stephanie Berry, on the subjects of (i) why Berry relied upon a peer review opinion of Plaintiff's disability and ignored two prior independent medical examinations finding Plaintiff disabled and a functional capacity examination that determined that Plaintiff had less than sedentary capacity, (ii) why Berry ignored Plaintiffs' treating doctors' opinions and (iii) why Berry failed to address Plaintiff's unchanged back condition.
2. In all other respects, the Motion is **DENIED**.

IT IS SO ORDERED.

BY THE COURT:



R. BARCLAY SURRICK, J.

*Forward to A. Zucker
Email to J. Sullivan
A. Wolgemuth
12/15/11*