

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

CLERK'S OFFICE U.S. DIST. COURT  
AT ROANOKE, VA  
FILED  
**FEB 27 2009**  
JOHN F. CORCORAN, CLERK  
BY: *J. Brund*  
DEPUTY CLERK

THOMAS F. PIEPENHAGEN, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
OLD DOMINION FREIGHT LINE, INC. )  
EMPLOYEE BENEFIT PLAN, )  
 )  
Defendant. )

Civil Action No. 7:08-CV-00236

**FINAL ORDER**

By: **Hon. James C. Turk**  
Senior United States District Judge

In accordance with the accompanying Memorandum Opinion, it is hereby

**ADJUDGED AND ORDERED**

that:

1. Defendant Old Dominion Freight Line, Inc. Employee Benefit Plan's Motion for Summary Judgment (Docket No. 24) is **GRANTED**;
2. Plaintiff Thomas F. Piepenhagen's
  - a. Motion for Summary Judgment (Docket No. 22) is **DENIED**;
  - b. Request for Attorneys Fees (Docket No. 27) is **DENIED**; and
  - c. Objections to the Authenticity of the Administrative Record (Docket No. 19) is **DENIED**, to the extent that Piepenhagen seeks any information not already provided by ODFL

The clerk of court is directed to strike the matter from the active docket and to send a copy of this Final Order and accompanying Memorandum Opinion to counsel of record for each party.

ENTER: This 27th day of February, 2009.

*James C. Turk*  
\_\_\_\_\_  
Hon. James C. Turk  
Senior United States District Judge