

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
at [division]

[PARTY],)
)
 Plaintiff(s),)
) Case No. [x]:[xx]-cv-[xxx]
 v.)
) Judge Mattice
 [PARTY],)
)
 Defendant(s).)

REFERRAL AND SCHEDULING ORDER

This case appears to be an action seeking benefits under the provisions of an employee benefit plan pursuant to the Employee Retirement Income Security Act of 1974, 29 U.S.C. §§ 1001-1461 ("ERISA"). Based on that assumption, and pursuant to Federal Rule of Civil Procedure 16(b), the Court proposes the following as a scheduling order. Unless either party objects within thirty (30) days, this will constitute the scheduling order applicable to the case.

It is **ORDERED** as follows:

1. The employee benefit plan administrator or fiduciary must serve a full and complete copy of the administrative record in this case on Plaintiff and file a "Notice of Service of the ERISA Record" with the Court within forty-five (45) days of the entry of this Order.
2. The employee benefit plan administrator or fiduciary must file the relevant portions of the administrative record in this case with the Court within seventy-five (75) days of the entry of this Order.
3. If discovery is appropriate in this case, it shall be completed within sixty (60) days of Defendant's filing the "Notice of Service of the ERISA Record."
4. Within ninety (90) days of Defendant's filing its "Notice of Service of the ERISA Record," Plaintiff must file a motion for judgment on the administrative record, with supporting brief, stating the grounds on which benefits or other relief in this case are claimed. At the same time,

Plaintiff must file any objections to the authenticity of the administrative record.

5. Defendant must file a brief in response no later within twenty-one (21) days of the filing of Plaintiff's brief.

6. Plaintiff may, but is not required to, file a reply brief within seven (7) days of the filing of Defendant's brief.

7. If the Court deems it necessary, the Court will schedule an oral argument; however, the Court may resolve the case based only upon the written submissions.

8. If a party files a notice of settlement, the Court will dismiss the case if no stipulation of dismissal is submitted within thirty (30) days of the filing of that notice.

9. By written stipulation signed by all counsel and filed with the Court, the parties may adjust the deadlines set forth above, except that the parties may not change the deadline in paragraph eight (relating to the filing of a notice of settlement) and provided that no extension greater than thirty (30) days of any deadline will be allowed except by permission of the Court.

10. This matter is hereby **REFERRED** to the United States Magistrate Judge assigned to this case for hearing and determination, and a report and recommendation if necessary, pursuant to 28 U.S.C. §§ 636(b)(1)(A)-(C) and Fed. R. Civ. P. 72(a). If the parties wish to consent that all proceedings in this case may be conducted by the United States Magistrate Judge assigned to this case in accordance with 28 U.S.C. § 636(c) and Fed. R. Civ. P. 73, the appropriate consent form is available on the Court's website (<http://www.tned.uscourts.gov/forms>).

SO ORDERED this ____ day of _____, 20[xx].

HARRY S. MATTICE, JR.
UNITED STATES DISTRICT JUDGE