

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
[DIVISION] DIVISION**

[PLAINTIFF],

PLAINTIFFS,

v.

CASE NO. [CASE NUMBER]

[DEFENDANT],

DEFENDANT.

SPECIALIZED CASE MANAGEMENT ORDER

(29 U.S.C. § 1001 *et seq.*)

This case states a cause of action pursuant to the Employment Retirement Income Security Act of 1974 (“ERISA”), 29 U.S.C. § 1001 *et seq.* In light of the claim for relief as set forth in the complaint (or the grounds for removal in Defendant’s Notice of Removal or the defenses in Defendant’s Answer), the court orders as follows:

1. Within fifteen (15) days of today’s date, the defendant shall produce (a) the governing plan document; (b) the summary plan description; and (c) the administrative record relevant to the particular claim at issue. Said documents shall be filed electronically as well as provided to the undersigned’s chambers in paper format.

2. If the parties agree that all of the claims in the case are either within ERISA or preempted by ERISA, then within fifteen (15) days of production of the administrative record, the parties are required to confer and within ten (10) days of said conference, file a joint certification with the court that (a) they have conferred; (b) any issues relevant to discovery on which the parties are not in agreement; (c) whether the case can be considered on cross-motions for summary judgment; (d) whether a bench trial will be necessary; and (e) the dates on which parties envision being prepared to file their initial briefs on cross-motions for summary judgment. Unless otherwise requested by

the parties, the court shall apply the time limits set forth in Rule 56, Fed.R.Civ.Pro., for responses and replies to the initial briefs. The parties shall follow Exhibit A, attached hereto, for the court's requirements on page limitations and filing of summary judgment briefs.

3. In the event the parties disagree as to whether some or all of the claims in the case are controlled or preempted by ERISA, the party disputing ERISA preemption or jurisdiction shall, within fifteen (15) days of the filing of the administrative record, file with the court a written motion and memorandum setting forth the grounds and legal basis on which the party disputes preemption or jurisdiction. The opposing party will have ten (10) days from the filing of any such motion to file a response. Should the court rule that ERISA jurisdiction and/or preemption exists, the parties are instructed to follow the additional rules set forth in paragraph 2 of this Order. Should the court rule otherwise, a status conference will be set.

The procedures set forth in this Order are intended to supersede and replace the requirements generally applicable under Rules 26(a), (d) and (f) of the Federal Rules of Civil Procedure. This order supersedes any earlier entered scheduling order.

DONE and ORDERED this the ____ day of _____, 20__.

Attachment: Exhibit A