

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

WAYNE BOYD AND WHITFIELD R.
BOYD,

Plaintiffs,

V.

SYSKO CORPORATION, SYSKO
CORPORATION GROUP BENEFIT PLAN,
AND UNITED BEHAVIORAL HEALTH,

Defendants.

Case Number: 4:13-cv-00599-RBH

This case appears to request entitlement to benefits pursuant to the Employee 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. The parties have previously answered this Court's specialized interrogatories.
2. The parties, contemporaneously with requesting this Amended Specialized Case Management Order, submitted their Amended and Supplemental Joint Certification
3. The parties have agreed that the case is governed by ERISA.
4. The parties have stipulated that Mediation will occur on August 22, 2013. Representatives for the Defendants who are located out-of-state may attend by telephone, with the mediator's consent, but if appearing by telephone, must participate in the mediation process as though they were attending live.
5. If the matter is not resolved by mediation, the parties shall, within twenty (20) days after the mediation shall file any and all motions related to the record or plan.
6. If the matter is not resolved by mediation, and no motions related to the record or plan are filed within the twenty (20) day period addressed in paragraph 5 above, the parties shall, within sixty (60) days after the mediation addressed in Paragraph 4 above, file cross-memoranda in support of judgment with respect to all benefits claims governed by ERISA. The Joint Stipulation shall be filed at the same time. Each party shall have five (5) days thereafter to file an optional reply. These memoranda should follow the form of

Local Rule 7.05. All references in memoranda shall be to the consecutively-numbered page of the attachments to the Joint Stipulation. In its discretion, the court may order a hearing. Unless so ordered, the court will decide the ERISA benefits issues upon the record before it without a hearing. Motions for summary judgment need not be filed. Any party objecting to the court disposing of the case on the Joint Stipulation must file an objection with or prior to the filing of the joint certification required by Paragraph 2 of this order.

7. If the matter is not resolved by mediation, and motions related to the record or plan are filed within the twenty (20) day period addressed in paragraph 5 above, the parties shall, within sixty (60) days after the court's ruling on said motion(s) contemplated in paragraph 5 above, file cross-memoranda in support of judgment with respect to all benefits claims governed by ERISA. The Joint Stipulation shall be filed at the same time. Each party shall have five (5) days thereafter to file an optional reply. These memoranda should follow the form of Local Rule 7.05. All references in memoranda shall be to the consecutively-numbered page of the attachments to the Joint Stipulation. In its discretion, the court may order a hearing. Unless so ordered, the court will decide the ERISA benefits issues upon the record before it without a hearing. Motions for summary judgment need not be filed. Any party objecting to the court disposing of the case on the Joint Stipulation must file an objection with or prior to the filing of the joint certification required by Paragraph 2 of this order.

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.

IT IS SO ORDERED.

s/R. Bryan Harwell
R. BRYAN HARWELL
UNITED STATES DISTRICT JUDGE

Date: July 26, 2013
Florence, South Carolina