

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

TANYA GALLEGOS,

Plaintiff,

v.

Case No: 2:18-cv-345-FtM-38CM

THE PRUDENTIAL INSURANCE
COMPANY OF AMERICA,

Defendant.

ORDER

This matter comes before the Court upon review of the Joint Motion Requesting Reassignment from Track 1 to Track 2 and for Telephonic Case Management Conference filed on August 1, 2018. Doc. 12. The parties also request they be permitted to attend the case management conference by telephone. *Id.* For the reasons stated below, the motion will be granted in part and denied in part.

Plaintiff filed this action on May 16, 2018 pursuant to the Employee Retirement Income Security Act, 29 U.S.C. § 1001 et seq. (“ERISA”), for recovery of unpaid long-term disability benefits. Doc. 1. The Court entered a Related Case Order and Track One Notice on May 17, 2018. Doc. 2. On June 27, 2018, Defendant Prudential Insurance Company of America (“Prudential”) filed its Answer, including a counterclaim alleging Plaintiff owes Prudential overpaid long-term disability benefits Plaintiff was not entitled to receive. Doc. 8. In the present motion, the parties jointly request the Court reassign the case to Track Two, asserting that “ERISA cases are usually Track 2[.]” Doc. 12 at 2. The motion includes a Case

Management Report tailored to a Track Two case. Doc. 12-1. The parties also request that “if the court moves this case to Track 2,” they be allowed to hold the required case management conference “by telephone instead of live, since the parties have a finalized version of the Case Management Report already prepared.” *Id.* at 2.

Under the Middle District of Florida Local Rules, “action[s] for review on an administrative record[,]” including ERISA cases, are categorized as Track One cases. M.D. Fla. R. 3.05(b)(1)(A). Accordingly, the Court’s Order on May 18, 2018 directed this case be designated as Track One. Doc. 2. Neither the joint motion nor Defendant’s counterclaim necessitates reassigning the case to Track Two. Therefore, the Court directs the parties to hold a new case management conference, which they may conduct by telephone, and file an amended Case Management Report tailored to a Track One ERISA case as described below. If the parties believe limited discovery is necessary in this case, they may propose appropriate deadlines in their amended Case Management Report. *See* Doc. 12 at 2.

ACCORDINGLY, it is

ORDERED:

1. The Joint Motion Requesting Reassignment from Track 1 to Track 2 and for Telephonic Case Management Conference (Doc. 12) is **GRANTED in part** and **DENIED in part**.

2. Within **thirty (30) days** from the date of this Order, the parties either shall meet in person or by telephone for the purpose of completing an ERISA Case Management Report under Track One.

3. Within **fourteen (14) days** after the case management conference, the parties shall jointly file an ERISA Case Management Report, which shall include the following information:

- a. The proposed deadline by which Defendant will file and serve upon Plaintiff a copy of the Administrative Record;
- b. The proposed deadline by which the parties either shall file a stipulation as to the appropriate standard of review or a motion to determine same;
- c. Whether discovery is necessary and, if so, the proposed discovery deadline;
- d. The proposed deadline for filing the motion(s) for judgment on the record;
- e. The proposed deadline for filing the response(s) to the motion(s) for judgment on the record;
- f. The deadline for completing mediation and the name of the jointly-selected mediator, if applicable; and
- g. Any other issues that the parties believe will need resolution, including any requested accommodations or plans regarding disposition of Defendant's counterclaim and proposed dates for any anticipated discovery.

DONE and **ORDERED** in Fort Myers, Florida on this 13th day of August, 2018.



CAROL MIRANDO
United States Magistrate Judge

Copies:
Counsel of record