

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

TIMOTHY DUSICK,

Plaintiff,

v.

UNITED HEALTHCARE CORPORATION,
a/k/a UNITED HEALTHCARE INSURANCE,
HEALTH CARE REVIEW,
FEDERAL EXPRESS CORPORATION,
a/k/a FEDEX EXPRESS,

Defendants.

ORDER

06-C-454-C

In this civil action for monetary and injunctive relief, plaintiff Timothy Dusick contends that defendants wrongfully denied him benefits under the Employee Retirement Income Security Act, 29 U.S.C. §§ 1001-1441. Magistrate Judge Stephen Crocker issued a preliminary pretrial conference order dated September 7, 2006, dkt. #11, in which he set an October deadline for plaintiff to file a motion to permit discovery. Semien v. Life Insurance Co. of North America, 436 F.3d 805, 814-15 (7th Cir. 2006) (noting limited circumstances under which discovery will be allowed in ERISA case); Perlman v. Swiss Bank Corp. Comprehensive Disability Protection Plan, 195 F.3d 975, 981-82 (7th Cir. 1999)

(same).

Plaintiff has filed a motion to extend the deadline in the preliminary pretrial conference order because he has not yet received the administrative record, which defendant United HealthCare Insurance had agreed would be produced by October 2, dkt. #7. Defendants have not filed a response to plaintiff's motion.

Accordingly, plaintiff's motion is GRANTED. Defendant United HealthCare Insurance may have until November 6, in which to provide the administrative record to plaintiff or to explain to the court in writing why it is unable to do so. Plaintiff may have until November 13, 2006, in which to file a motion to permit discovery. Defendants may have until November 27, 2006, in which to file a response to the motion; plaintiff may have until December 4, 2006, in which to file a reply. All other deadlines in the preliminary pretrial conference order remain unchanged.

Entered this 1st day of November, 2006.

BY THE COURT:
/s/
BARBARA B. CRABB
District Judge