
U.S. District Court

Southern District of New York

Notice of Electronic Filing

The following transaction was entered on 6/6/2016 at 6:09 PM EDT and filed on 6/6/2016

Case Name: Wittman v. New York Life Insurance Company

Case Number: [1:15-cv-09596-AKH](#)

Filer:

Document Number: 31(No document attached)

Docket Text:

ORDER denying [17] Motion to Dismiss. Defendant's Rule 12(b) motion depends on numerous facts and factual interpretations. The court cannot feasibly deal with the factual assertions, and the parties' disputes regarding them, on a 12(b) motion. Defendant should file an Answer and affirmative defenses. Either a Rule 12(c) motion then can be made or, if there are disputed issues of fact, the parties can proceed to discovery and consider, later, a Rule 56 motion. Class issues also have to be addressed. The oral argument set for July 19, 2016 is canceled. Defendant should file its Answer by July 13, 2016. An initial case management conference will be held July 22, 2016, at 10:30 a.m. to discuss further proceedings, including the advisability of a Rule 12(c) motion and a motion for class certification. All pending motions to appear pro hac vice are granted. The Clerk shall mark those motions terminated. (HEREBY ORDERED by Judge Alvin K. Hellerstein)(Text Only Order) (Hellerstein, Alvin)