

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

United States of America,

Plaintiff,

v.

Honorable Sean F. Cox

City of Detroit, *et al.*,

Case No. 77-71100

Defendants.

ORDER STRIKING UNAUTHORIZED MOTION
FILED BY NON-PARTY

This action, which was commenced in 1977 and has been ongoing since that time, has an incredibly long history that is set forth in this Court's September 9, 2011 Opinion and Order (D.E. No. 2397).

On January 4, 2012, UAW Region 1, Local 2200 of the United Automobile, Aerospace and Agricultural Implement Workers of America (Wastewater Treatment Plant Supervisors) ("Local 2200"), a labor union whose members include employees of the City of Detroit and the Detroit Water and Sewerage Department, filed a motion seeking to intervene in this action. Along with that motion, Local 2200 filed a motion seeking to vacate this Court's November 4, 2011 Order. (Docket Entry No. 2430).

In an Opinion & Order issued on February 23, 2012, this Court denied Local 2200's Motion to Intervene. (Docket Entry No. 2445). This Court also denied Local 2200's Motion to Vacate as moot, given that ruling on its Motion to Intervene. (*See* 2/23/12 Opinion & Order at 37 n.10, explaining that the denial of an application to intervene renders any substantive motion

filed moot and citing *In re PaineWebber Inc., Ltd. P'ships Litig.*, 94 F.3d 49, 52 (2d Cir. 1996)).

This Court also struck an unauthorized substantive motion that Local 2200 filed in this action on June 5, 2012. (*See* Docket Entry No. 2465).

Local 2200 appealed this Court's February 23, 2012 ruling denying its Motion to Intervene. (*See* Notice of Appeal, Docket Entry No. 2452). The United States Court of Appeals for the Sixth Circuit has not yet issued any ruling as to that appeal.

On October 15, 2012, Local 2200 Filed a Second Motion seeking to intervene in this action. (Docket Entry No. 2493). This motion is currently pending before the Court.

This Court previously denied Local 2200's original Motion to Intervene on February 23, 2012, and this Court has not granted Local 2200's Second Motion to Intervene. Thus, Local 2200 has not been granted intervenor status and it is not a party in this action. Nevertheless, on November 7, 2012, Local 2200 purported to file another substantive motion in this case – a Motion “to Amend the October 5, 2012 Order of this Court.”¹ (Docket Entry No. 2502). The Court hereby ORDERS that the unauthorized substantive motion filed by Local 2200 on November 7, 2012 (Docket Entry No. 2502) is STRICKEN and shall be removed from the docket.

IT IS SO ORDERED.

S/Sean F. Cox
Sean F. Cox
United States District Judge

Dated: November 8, 2012

¹In filing the motion, Local 2200 incorrectly identified the title of the motion as a Motion to Amend/Correct Second Motion to Intervene, but the motion actually filed is titled “Motion by the Proposed Intervenors Local 207 of the American Federation of State, City and Municipal Employees (AFSCME) and Senior Accountants and Analysts Associations (SAAA) to Amend the October 5, 2012 Order of this Court.”

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PROOF OF SERVICE

I hereby certify that a copy of the foregoing document was served upon counsel of record on November 8, 2012, by electronic and/or ordinary mail.

S/Jennifer McCoy
Case Manager