

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

GUARANTY RESIDENTIAL LENDING,  
INC., a Nevada Corporation, and  
ASSURAFIRST FINANCIAL COMPANY, a  
Michigan corporation, d/b/a HOMESTEAD  
USA and HOMESTEAD MORTGAGE,

Civil Case Number: 04-CV-74842

PAUL D. BORMAN  
UNITED STATES DISTRICT COURT

Plaintiffs, Counter-Defendants,  
Cross-Plaintiffs,

v.

HOMESTEAD MORTGAGE COMPANY,  
L.L.C., a Michigan limited liability company,

Defendant, Counter-Plaintiff,

BOB FITZNER d/b/a HOMESTEAD  
MORTGAGE CO.,

Counter-Plaintiff, Cross-  
Defendant.

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**ORDER HOLDING IN ABEYANCE ALL PARTIES' PENDING MOTIONS UNTIL THE  
COURT RULES ON COUNTER-DEFENDANTS' EMERGENCY MOTIONS**

Currently, Cross-Defendant/Counter-Plaintiff Bob Fitzner and Defendant/Counter-Plaintiff Homestead Mortgage L.L.C. (collectively, "Defendants/Counter-Plaintiffs") have a Motion for Preliminary Injunction (Dkt. 171) and an Amended Motion for Summary Judgment and Injunctive Relief (Dkt. No. 182) pending before this Court. In addition, Plaintiff/Counter-Defendant Guaranty Residential Lending Inc. and Plaintiff/Counter-Defendant AssuraFirst Financial Company (collectively, "Plaintiffs/Counter-Defendants") have a Motion to Dismiss or

Alternatively, Motion for Summary Judgment (Dkt. No. 186), Motion for Summary Judgment (Dkt. No. 184), and a Motion for Summary Judgment as to Monetary Relief (Dkt. No. 187) pending before the Court. Defendants’/Counter-Plaintiffs’ Motion for Preliminary Injunction is scheduled for hearing on May 15, 2009 and Defendants’/Counter-Plaintiffs’ Amended Motion for Summary Judgment and Injunctive Relief and Plaintiffs’/Counter-Defendants’ Motion to Dismiss, or Alternatively Motion for Summary Judgment and Motion for Summary Judgment are scheduled for hearing on May 28, 2009.

On March 25, 2009, Plaintiffs/Counter-Defendants filed an (1) Emergency Motion for Denial of Defendants’s/Counter-Plaintiffs’ First Amended Motion for Summary Judgment, Attorneys’ Fees, and to Re-Open Discovery, and (2) an Emergency Motion Under Fed. R. Civ. P. 12(f) and 37 to Strike, to Dismiss the July 5, 2005 Counterclaims, and to Compel Discovery from Fitzner (collectively “Emergency Motions”). (Dkt. No. 196 & 197). The Court has referred the Emergency Motions to Magistrate Judge Majzoub. (Dkt. No. 214).

Because the Emergency Motions involve issues critical to the other five motions pending before the Court, the Court **ORDERS** that the other five pending Motions be held in abeyance until the Court rules on the Emergency Motions. The Court **FURTHER ORDERS** that the Counter-Defendants’ Motion for Preliminary Injunction (Dkt. No. 171) be addressed in concert with, and at the same time as, Plaintiffs’/Counter-Defendants’ Amended Motion for Summary Judgment and Injunctive Relief (Dkt. No. 182) because the latter motion fully addresses the preliminary injunction factors and not simply the disagreement over any alleged stipulated preliminary injunction, like the former motion.

Accordingly, the Court withdraws the hearings set on May 15, 2009 and May 28, 2009

for the aforementioned motions and will set a new hearing date once a determination on the Emergency Motions has been made.

**SO ORDERED.**

s/Paul D. Borman  
PAUL D. BORMAN  
UNITED STATES DISTRICT JUDGE

Dated: May 1, 2009

CERTIFICATE OF SERVICE

Copies of this Order were served on the attorneys of record by electronic means or U.S. Mail on May 1, 2009.

s/Denise Goodine  
Case Manager