

UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ERNEST FLAGG, as Next Friend of JONATHAN BOND,
a minor, TARIS JACKSON, as Next Friend of ASHLY
JACKSON, a minor; and DR. BRIAN GREENE,
as Next Friend of INDIA
BOND, a minor

Plaintiffs,

v

Case No.: 05-CV-74253
Hon. Gerald E. Rosen
Magistrate Judge R. Steven Whalen

CITY OF DETROIT, a municipal corporation;
DETROIT POLICE CHIEF ELLA BULLY-CUMMINGS;
DEPUTY DETROIT POLICE CHIEF CARA BEST;
JOHN DOE POLICE OFFICERS 1-20; ASST.
DEPUTY POLICE CHIEF HAROLD CURETON;
COMMANDER CRAIG SCHWARTZ; POLICE LT.
BILLY JACKSON; MAYOR KWAME M. KILPATRICK,
CHRISTINE BEATTY, jointly and severally,

Defendants.

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**DEFENDANT, CHRISTINE BEATTY'S, RESPONSE TO
PLAINTIFFS' MOTION FOR CASE SCHEDULE EXTENSION**

NOW COMES Defendant, Christine Beatty (“Beatty”), by and through her attorneys, Morganroth & Morganroth, PLLC, and for response to Plaintiffs’ Motion for Case Schedule Extension states as follows:

1. In response to Paragraph 1, Beatty admits that Plaintiff, Ernest Flagg (“Flagg”), made such allegations, but denies for reason untrue that such allegations have any merit, and further denies for reason untrue that Flagg has standing to assert such allegations.

2. In response to Paragraph 2, Beatty admits that Flagg filed a First Amended Complaint, but denies for reason untrue that the allegations therein have any merit, and further denies for reason untrue that Flagg has standing to assert such allegations.

3. In response to Paragraph 3, Beatty admits.

4. In response to Paragraph 4, Beatty admits.

5. In response to Paragraph 5, admits.

6. In response to Paragraph 6, Beatty admits that Flagg was permitted to file a Second Amended Complaint, but denies for reason untrue that the allegations therein have any merit, and further denies for reason untrue that Flagg has standing to assert such allegations.

7. In response to Paragraph 7, Beatty admits.

8. In response to Paragraph 8, Beatty admits that she and several other Defendants moved to quash the subpoenas, but denies for reason untrue that her motion to quash was based on “hypertechnical arguments.”

9. In response to Paragraph 9, Beatty admits.

10. In response to Paragraph 10, Beatty admits.

11. In response to Paragraph 11, Beatty admits.

12. In response to Paragraph 12, Beatty admits that Flagg requested other categories of

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documents, but denies for reason untrue that such documents are relevant to Flagg's claims or Defendants' defenses.

13. In response to Paragraph 13, Beatty admits.

14. In response to Paragraph 14, Beatty admits that Flagg so moved, but denies for reason untrue that such a motion was necessary inasmuch as all such material was being preserved in any event.

15. In response to Paragraph 15, Beatty admits that this Court so ordered.

16. In response to Paragraph 16, Beatty admits that Defendants moved to quash the subpoenas, but denies for reason untrue that the objections to the subpoenas were "based on hypertechnical arguments" or were "baseless." On the contrary, such objections had a good faith basis in fact and law, and some of such objections were upheld by the Court. In contrast, Plaintiffs have deliberately sought to publicly file inflammatory documents for the sole purpose of obtaining media attention and in a transparent effort to circumvent this Court's admonition upon public comment about this case.

17. In response to Paragraph 17, Beatty admits that Plaintiff sent a subpoena requesting text messages from all city employees.

18. In response to Paragraph 18, Beatty admits.

19. In response to Paragraph 19, Beatty admits that Defendants moved to quash the subpoenas, but denies for reason untrue that the objections to the subpoenas were "based on hypertechnical arguments" or were "baseless." On the contrary, such objections were had a good faith basis in fact and law.

20. In response to Paragraph 20, Beatty admits. In further response, Beatty's states that such objections were well grounded in law.

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21. In response to Paragraph 21, Beatty admits.

22. In response to Paragraph 22, Beatty admits. In further response, Beatty's states that such objections were well grounded in law.

23. In response to Paragraph 23, Beatty admits.

24. In response to Paragraph 24, Beatty admits.

25. In response to Paragraph 25, Beatty admits.

26. In response to Paragraph 26, Beatty admits.

27. In response to Paragraph 27, Beatty admits.

28. In response to Paragraph 28, Beatty admits.

29. In response to Paragraph 29, Beatty admits.

30. In response to Paragraph 30, Beatty neither admits nor denies the allegations directed toward the City of Detroit for lack of sufficient information upon which to form a belief.

31. In response to Paragraph 31, Beatty admits.

32. In response to Paragraph 32, Beatty admits.

33. In response to Paragraph 33, Beatty admits.

34. In response to Paragraph 34, Beatty admits.

35. In response to Paragraph 35, Beatty admits.

36. In response to Paragraph 36, Beatty admits.

37. In response to Paragraph 37, Beatty admits.

38. In response to Paragraph 38, Beatty admits.

39. In response to Paragraph 39, Beatty admits.

40. In response to Paragraph 40, Beatty admits that this Court so ruled.

41. In response to Paragraph 41, Beatty admits.

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42. In response to Paragraph 42, Beatty admits.
43. In response to Paragraph 43, Beatty admits.
44. In response to Paragraph 44, Beatty admits.
45. In response to Paragraph 45, Beatty admits.
46. In response to Paragraph 46, Beatty admits.
47. In response to Paragraph 47, Beatty admits.
48. In response to Paragraph 48, Beatty admits.
49. In response to Paragraph 49, Beatty admits.
50. In response to Paragraph 50, Beatty admits.
51. In response to Paragraph 51, Beatty admits.
52. In response to Paragraph 52, Beatty admits.
53. In response to Paragraph 53, Beatty denies for reason untrue. In further response,

Beatty states that she has lodged only good faith objections to Plaintiffs' discovery requests, some of which have been upheld by the Court.

54. In response to Paragraph 54, Beatty admits.

55. In response to Paragraph 55, Beatty neither admits nor denies the allegation for lack of sufficient information upon which to form a belief. In further response, Beatty states that Beatty's counsel has requested on numerous occasions that a conference call including all counsel of record in this matter be convened in order to establish a mutually agreeable comprehensive deposition schedule for all depositions to be taken in this case.

56. In response to Paragraph 56, Beatty admits that it would be appropriate to modify the case schedule.

57. In response to Paragraph 57, Beatty has no objection to the 90-day schedule extension

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as proposed by Plaintiffs.

WHEREFORE, Beatty does not object to Plaintiffs' request for an extension of the case schedule and respectfully requests that this Court grant an extension of the case schedule as it deems just and proper in light of the foregoing facts and circumstances.

Respectfully submitted,

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Dated: October 24, 2008

CERTIFICATE OF SERVICE

I hereby certify that on October 24, 2008, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to the following:

Norman A. Yatooma, Attorney
Kenneth L. Lewis, Attorney
James C. Thomas, Attorney

John A. Schapka, Attorney
Krystal A. Crittendon, Attorney
Herschel P. Fink, Attorney

and I hereby certify that I have mailed by United States Postal Service the paper to the following non-ECF participants:

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Dated: October 24, 2008

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