

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

ERNEST FLAGG, as Next Friend
of JONATHAN BOND,

Plaintiff,

v.

Case No. 05-74253
Hon. Gerald E. Rosen

CITY OF DETROIT, *et al.*,

Defendants.

**ORDER TO APPEAR FOR HEARING ON
DEFENDANT CITY OF DETROIT'S MOTION FOR STAY**

At a session of said Court, held in
the U.S. Courthouse, Detroit, Michigan
on April 2, 2008

PRESENT: Honorable Gerald E. Rosen
United States District Judge

Through a motion filed on March 31, 2008, the Defendant City of Detroit requests that the Court stay this case pending the outcome of a number of ongoing investigations, and until the criminal proceedings against two of the individual Defendants, Detroit Mayor Kwame Kilpatrick and his former chief of staff Christine Beatty, have concluded. In addition, the Defendant City requests that the Court impose a "gag" order upon the parties and their counsel, in light of the "almost daily interviews" Plaintiff's counsel has conducted with the media concerning this case. The Court having reviewed this motion, and being otherwise fully advised in the premises,

NOW, THEREFORE, IT IS HEREBY ORDERED that counsel for the parties shall appear before the Court on **Monday, April 14, 2008 at 3:30 p.m.** for a hearing on the Defendant City of Detroit's March 31, 2008 motion to stay proceedings and for issuance of "gag" order. IT IS FURTHER ORDERED that, on or before **Monday, April 7, 2008**, the Defendant City of Detroit shall file and serve a brief in support of its motion, identifying legal authority for the relief sought in this motion.¹ IT IS FURTHER ORDERED that Plaintiff shall file and serve a response to the City's motion and an accompanying brief on or before **Friday, April 11, 2008**.

Finally, apart from filing the above-cited motion, counsel for the Defendant City also has submitted a March 31, 2008 letter to the Court regarding certain materials that were to have been produced to Plaintiff's counsel by March 28, 2008.² In this letter, defense counsel cites "a number of developments" as purportedly bearing upon Defendants' apparent failure to produce these materials by the Court-ordered deadline, and counsel requests a status conference "so that we can discuss the developments and

¹Although the City's motion as filed nominally is accompanied by a "memorandum of law," this submission consists of a one-sentence statement of the City's "reliance on the facts and arguments as contained in the foregoing Motion." The Court does not view this submission as satisfying the requirements of Local Rule 7.1(c)(1)-(2) of this District. Moreover, the motion itself largely fails to identify any authority for the requested relief, but instead merely cites a few legal principles and evidentiary rules that might arguably be implicated by the parties' discovery efforts in this case. Finally, the Court notes that the City's motion fails to indicate whether Plaintiff's concurrence was sought in accordance with Local Rule 7.1(a) of this District.

²While counsel's letter states that these materials were "to be sent to the two Magistrates selected by the Court," the Court's March 20, 2008 opinion and order states quite clearly that these materials were to be produced to Plaintiff's counsel.

their impact upon the litigation.” In light of this request, the Court directs the parties’ counsel to be prepared to address at the April 14, 2008 hearing the unspecified “developments” cited in defense counsel’s recent letter.

SO ORDERED.

s/Gerald E. Rosen
Gerald E. Rosen
United States District Judge

Dated: April 2, 2008

I hereby certify that a copy of the foregoing document was served upon counsel of record on April 2, 2008, by electronic and/or ordinary mail.

s/LaShawn R. Saulsberry
Case Manager