

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

PERCY CURRY, RICK BANKS, III,
MARIE HILLARD, individually and on
behalf of all other similarly situated
persons,

Plaintiffs,

v.

Case Number 06-11728
Honorable David M. Lawson

SBC COMMUNICATIONS, INC., a.k.a.
AT&T, Inc.,

Defendant.

**ORDER DENYING THE DEFENDANT'S MOTION FOR LEAVE TO ACCEPT
MULTIPLE MOTIONS FOR SUMMARY JUDGMENT, GRANTING IN PART THE
PLAINTIFFS' EXPEDITED MOTION TO BAR AND DISREGARD THE
DEFENDANT'S MOTIONS FOR SUMMARY JUDGMENT, STRIKING THE
DEFENDANT'S MOTIONS FOR SUMMARY JUDGMENT, AND DENYING THE
DEFENDANT'S MOTION TO SEVER THE PLAINTIFFS' CLAIMS**

The matter is presently before the Court on the defendant's motion for leave to file multiple motions for summary judgment, the plaintiffs' expedited motion to bar and disregard the defendant's motions for summary judgment, and the defendant's motion to sever the plaintiffs' claims. All of the motions relate to the recent filing of three motions for summary judgment by the defendant SBC Communications, Inc. without receiving advance leave of the Court.

The language of the Case Management and Scheduling Order is plain: "No party may file more than one motion for summary judgment without obtaining leave of Court." Although the defendant moved retrospectively for the Court's permission to file multiple motions for summary judgment, it did not provide an explanation for why multiple motions for summary judgment are necessary. As evident from the plaintiffs' single motion to certify the class, the factual details with

respect to various defendants overlap significantly, and it is possible to address all of them within one motion. For that reason, the Court will deny SBC Communications, Inc.'s motion for leave to accept multiple motions for summary judgment and order the three motions for summary judgment stricken. However, to allow the parties adequate space for briefing the issues, the Court will enlarge the page limit for the defendant's motion for summary judgment and for the plaintiffs' response to that motion to thirty-five pages. Finally, the Court will deny the defendant's motion to sever plaintiffs' claims without prejudice, to be renewed after the adjudication of the forthcoming unitary motion for summary judgment.

Accordingly, it is **ORDERED** that the plaintiffs' expedited motion to bar and disregard the defendant's motions for summary judgment [dkt # 126] is **GRANTED in part**.

It is further **ORDERED** that the defendant's motion for leave to accept motions for summary judgment [dkt # 129] is **DENIED**.

It is further **ORDERED** that the defendant's motions for summary judgment [dkt # 121, 122, 123] are **STRICKEN** from the record. The defendant may file a single motion for summary judgment, not to exceed thirty-five pages in length, on or before **April 10, 2009**. The plaintiffs may respond to that motion within the time frame provided in Local Rule 7.1, and their response must not exceed thirty-five pages in length.

It is further **ORDERED** that the defendant's motion to sever the plaintiffs' claims or, in the alternative, for separate trials [dkt # 131] is **DENIED without prejudice**. The defendant may renew its motion after its unitary motion for summary judgment has been adjudicated.

s/David M. Lawson
DAVID M. LAWSON
United States District Judge

Dated: April 2, 2009

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on April 2, 2009.

s/Lisa M. Ware
LISA M. WARE