

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

BLACKWELL PUBLISHING, INC.,  
ELSEVIER, INC.,  
OXFORD UNIVERSITY PRESS, INC.,  
SAGE PUBLICATIONS, INC., and  
JOHN WILEY & SONS, INC.,

Civil Action No. 07-CV-12731

Plaintiffs,

Hon. Avern Cohn

vs.

Mag. Virginia Morgan

EXCEL RESEARCH GROUP, LLC d/b/a  
EXCEL TEST PREPARATION,  
COURSEPACKS & COPIES and  
NORMAN MILLER, individually,

Defendants.

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KARL V. FINK (P13429)  
PEAR, SPERLING, EGGAN & DANIELS, P.C.  
Attorney for Plaintiffs  
24 Frank Lloyd Wright Drive  
Ann Arbor, Michigan 48105  
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DAVID A. NACHT (P47034)  
NACHT & ASSOCIATES, P.C.  
Attorney for Defendants  
101 N. Main Street, Ste. 555  
Ann Arbor, Michigan 48104  
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**DEFENDANTS' MOTION FOR STATUS CONFERENCE**

NOW COMES, Defendants, by and through their attorney NACHT & ASSOCIATES, P.C., and hereby files this Motion for a FED. R. CIV. P. 16(b) Status Conference to be set in the above-captioned matter.

**BRIEF IN SUPPORT**

Defendants' new counsel filed an Appearance on October 30, 2008. There is a pending Motion for Default Judgment based upon Defendants' failure to appear at a status conference following the withdrawal of his last counsel and our entering the case. We seek an opportunity prior to the hearing on the Default Judgment, currently scheduled for November 12, 2008, to discuss the disposition of this case. Plaintiffs' counsel agrees so long as he can appear via telephone conference.

WHEREFORE, Defendants respectfully request that this Court grant their Motion for a FED. R. CIV. P. 16(b) Status Conference.

Respectfully submitted,  
NACHT & ASSOCIATES, P.C.

s/David A. Nacht  
David A. Nacht (P47034)  
Attorney for Defendants  
101 N. Main Street, Ste. 555  
Ann Arbor, MI 48104  
(734) 663-7550  
dnacht@nachtlaw.com

Dated: October 31, 2008

**CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 7.1**

David A. Nacht, counsel for Defendants, certifies that he has conferred counsel for Plaintiffs, in a good faith effort to resolve the issues raised by the foregoing motion and that he and counsel for Plaintiff have been unable to resolve the dispute.

Respectfully submitted,  
NACHT & ASSOCIATES, P.C.

s/David A. Nacht  
DAVID A. NACHT (P47034)  
Attorney for Defendants  
101 N. Main Street, Ste. 555  
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(734) 663-7550  
dnacht@nachtlaw.com

Dated: October 31, 2008

**CERTIFICATE OF SERVICE**

I hereby certify that on October 31, 2008, my paralegal, Courtney L. Ceci, electronically filed the foregoing documents with the Clerk of the Court using the ECF system which will send notification of such filing to the following:

Karl V. Fink and Amy C. Mainelli Burke.

Respectfully submitted,  
NACHT & ASSOCIATES, P.C.

s/David A. Nacht  
DAVID A. NACHT (P47034)  
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