

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

GBF ENGINEERING, INC.,

Plaintiff,

v.

JOSEPH JOHN, CHILLY JOHN,  
and JOHN W. HENKE, III,

Defendants.

Case No. 09-cv-11367

Paul D. Borman  
United States District Judge

R. Steven Whalen  
United States Magistrate Judge

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**OPINION AND ORDER DENYING DEFENDANTS' MOTIONS OF  
NOVEMBER 23, 2010 (Dkt. No. 35), JULY 19, 2011, AND SEPTEMBER 19, 2011**

On August 25, 2010, the Court granted summary judgment in this case and entered a judgment in favor of Plaintiff GBF Engineering, Inc., and against Defendants Joseph John, Chilly John and Sam John. (Dkt. No. 29.) A money judgment in the amount of \$139,922.29 was entered against Defendants on November 8, 2010. (Dkt. No. 34.)

On November 23, 2010, Defendants filed a Motion for an Order for Installment Payments, requesting an order from the Court allowing the judgment against them to be paid by way of monthly installments. (Dkt. No. 35.) The Court referred Defendants' motion to Magistrate Judge R. Steven Whalen, who scheduled a hearing on the matter. However, the hearing was cancelled on March 7, 2011. The text-only scheduling notice on March 7, 2011, which appears in the ECF docket for this case, states "Disposition: Motion is resolved. Parties to submit stipulated order to District Judge Paul D. Borman."

The parties have since twice submitted proposed stipulated orders, one on July 19, 2011 (Dkt. No. 40) and another on September 19, 2011 (Dkt. No. 41), seeking to set aside the judgment

of this Court entered on November 8, 2010. Both of these stipulated orders have been rejected by this Court because they sought to set aside the judgment of November 8, 2010. The Court will not allow the parties to reopen this case, set aside the November 8, 2010 judgment, and then dismiss the action with prejudice. Inherent in this ruling, is that the Court will dismiss with prejudice Defendants' Motion for an Order for Installment Payments.

**IT IS SO ORDERED.**

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

Dated: September 28, 2011

I hereby certify that the foregoing document was served upon counsel of record and/or by U.S. Postal mail on September 28, 2011.

S/Felicia Moses for Denise Goodine  
Case Manager