

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

CLIFTON E JACKSON and  
CHRISTOPHER M SCHARNITZKE,

Plaintiff,

Case No. 09-11529  
Honorable David M. Lawson

v.

SEGWICK CLAIMS MANAGEMENT  
SERVICES, INC., COCA COLA  
ENTERPRISES, INC., and PAUL  
DROUILLARD,

Defendants.

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**ORDER DENYING MOTION FOR LEAVE TO FILE SECOND AMENDED  
COMPLAINT**

On July 17, 2009, the plaintiffs filed a motion for leave to file a second amended complaint.

Eastern District of Michigan Local Rule 7.1(a) provides:

(1) The movant must ascertain whether the contemplated motion, or request under Federal Rule of Civil Procedure 6(b)(1)(A), will be opposed. If the movant obtains concurrence, the parties may make the subject matter of the contemplated motion or request a matter of record by stipulated order.

(2) If concurrence is not obtained, the motion or request must state:

(A) there was a conference between attorneys or unrepresented parties in which the movant explained the nature of the motion or request and its legal basis and requested but did not obtain concurrence in the relief sought; or

(B) despite reasonable efforts specified in the motion or request, the movant was unable to conduct a conference.

E.D. Mich. LR 7.1(a).

In their motion, the plaintiffs certify that they “faxed to defense counsel a request that each of them stipulate to the relief requested, or initiate a conference as required by LR7.1.” Mot. at 16. Placing the onus on the non-moving party to contact the movant if the motion is opposed does not constitute a reasonable effort to conduct a conference. Motions to amend are routine motions that can usually be resolved without taxing the resources of the Court. Rather than undertake reasonable efforts to work with defense counsel, the plaintiffs ask the Court for action. “It is not up to the Court to expend its energies when the parties have not sufficiently expended their own.” *Hasbro, Inc. v. Serafino*, 168 F.R.D. 99, 101 (D. Mass. 1996). The plaintiffs have filed their motion in violation of the local rules.

Accordingly, it is **ORDERED** that the plaintiffs’ motion to amend [dkt. #26] is **DENIED WITHOUT PREJUDICE**.

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

Dated: July 22, 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 July 22, 2009.

s/Lisa M. Ware  
LISA M. WARE