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Henry Stancato
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March 11, 2010

Richard Tomlinson
2600 W Big Beaver Rd, Ste 550
Troy, MI 48084

Re: Experi-Metal v Comerica
E D Mich 09-14890

Dear Mr. Tomlinson:

This is a request under Local Rule 7(a)(1) for plaintiff's concurrence in an order to strike the jury demand. Section 20 of the Treasury Management Services Master Agreement contains the parties' jury waiver. If you have not yet reviewed this document, you may find the relevant contract language at Comerica01661 of the materials produced in response to plaintiff's first document request.

If the plaintiff concurs in this request, I will prepare a stipulated order. If not, I will file a motion. Please advise.

Sincerely,

/s/Henry Stancato

Founded in 1852
by Sidney Davy Miller

MILLER CANFIELD

TODD A. HOLLEMAN
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April 16, 2010

VIA EMAIL AND FAX

Richard B. Tomlinson, Esq.
DRIGGERS, SCHULTZ & HERBST, PC
2600 W Big Beaver Road, Suite 550
Troy, MI 48084

Re: Experi-Metal, Inc v Comerica, Inc
Case No. 2:09-CV-14890

Dear Richard:

Last month previous counsel for Comerica requested your concurrence in an order striking the jury demand from Experi-Metal's complaint, because Experi-Metal waived its right to a jury trial in section 20 of the Treasury Management Services Master Agreement. We are renewing that request.

Assuming you agree to the stipulation to substitute Comerica Bank as a defendant in this action instead of Comerica Incorporated, we could enter a stipulation removing the jury demand at the same time. I am enclosing a second stipulation and order regarding the jury demand. Please review it and provide me with your consent to submit it to the Court.

Thank you for your anticipated cooperation.

Sincerely,

Miller, Canfield, Paddock and Stone, P.L.C.

By: Todd A. Holleman by LSK
Todd A. Holleman

Enclosure

7,899,477.1\022754-01932

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

EXPERI-METAL, INC.,

Plaintiff,

Case No. 2:09-CV-14890

v.

Hon. Patrick J. Duggan

COMERICA BANK,

Defendant.

Richard B. Tomlinson (P27604)
Daniel R. Boynton (P30359)
Joseph W. Thomas (P33226)
DRIGGERS, SCHULTZ & HERBST, P.C.
Attorneys for Plaintiff
2600 West Big Beaver Road, Suite 550
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Todd A. Holleman (P57699)
Lara Lenzotti Kapalla (P67667)
MILLER CANFIELD PADDOCK AND
STONE, PLC
Attorneys for Defendant
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holleman@millercanfield.com
kapalla@millercanfield.com

STIPULATION AND ORDER TO STRIKE JURY DEMAND

At a session of the Court held on _____, 2010,
in Wayne County, Detroit, Michigan before
The Honorable _____

This matter having come before the Court on the stipulation of the parties through their undersigned counsel, and the Court being fully advised in the premises;

NOW, THEREFORE, IT IS HEREBY ORDERED that Plaintiff's jury demand is stricken.

UNITED STATES DISTRICT JUDGE

Stipulated to and approved for entry by:

DRIGGERS, SCHULTZ & HERBST, P.C.

By _____
Richard B. Tomlinson (P27604)
Attorneys for Plaintiff
2600 West Big Beaver Road, Suite 550
Troy, MI 48084
(248) 649-6000
rtomlinson@driggerschultz.com

MILLER CANFIELD PADDOCK AND
STONE, PLC

By _____
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17,399.476.1\022754-01932

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by Sidney Davy Miller

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May 5, 2010

VIA EMAIL AND FAX

Richard B. Tomlinson, Esq.
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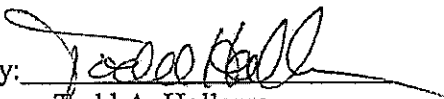
Re: Experi-Metal, Inc v Comerica, Inc
Case No. 2:09-CV-14890

Dear Richard:

I am writing to follow up on the voice mail message that I left for you today. Please advise me of whether you will stipulate to allowing us to file a seven page reply brief, which is two more pages than we are otherwise allowed by the Court's local rules. Also, the depositions that we have noticed and scheduled for next week are hereby adjourned pending our receipt of the documents and interrogatory responses that we have requested and you have advised will be provided next week. Please provide us dates on which the individuals will be available in June for depositions so that we can proceed with them if necessary and after we have received the documents and answers. Finally, we are still waiting your position on our request to submit an order striking your client's jury demand. Please respond to that request. Thank you.

Sincerely,

Miller, Canfield, Paddock and Stone, P.L.C.

By: 
Todd A. Holleman

cc: Lara Kapalla