

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

EXPERI-METAL, INC.,  
a Michigan corporation,

Plaintiff,

v.

COMERICA BANK,  
a foreign banking organization,

Defendant.

Case No. 2:09-CV-14890

Hon. Patrick J. Duggan

Magistrate Judge Paul Komives

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**STIPULATED ORDER RESOLVING DEFENDANT'S MOTION TO COMPEL**

At a session of said Court held in the City of Detroit, County of  
Wayne and State of Michigan on\_\_\_\_\_.

PRESENT: Honorable \_\_\_\_\_  
U. S. Magistrate Judge

This matter having come before the Court upon the parties' stipulation, and the Court being otherwise fully advised in the premises:

**WHEREFORE** Defendant Comerica Bank filed its motion to compel on August 30,  
2010;

**WHEREFORE** the motion was referred to Magistrate Judge Komives;

**WHEREFORE**, Plaintiff Experi-Metal, Inc. filed its response and produced documents and information on September 8, 2010;

**WHEREFORE**, Plaintiff Experi-Metal herein certifies through its counsel that it has conducted a diligent search of its records and those of its employees and it has not located and is unaware of any correspondence not already produced to counsel for Defendant that Experi-Metal sent or received regarding the January 22, 2009 phishing attack, including, but not limited to, all internal emails within Experi-Metal, between Experi-Metal and any law enforcement or regulatory agency, or between Experi-Metal and Comerica Bank.

**NOW, THEREFORE, IT IS HEREBY STIPULATED AND ORDERED** that Defendant's pending motion to compel is dismissed without prejudice and with each side to bear its own costs and fees.

s/Paul J. Komives  
United States Magistrate Judge

Stipulated to by:

s/Todd A. Holleman  
Todd A. Holleman  
Attorney for Defendant Comerica Bank

s/Richard B. Tomlinson w-consent  
Richard B. Tomlinson  
Attorney for Plaintiff Experi-Metal, Inc.