UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MICHIGAN SOUTHERN DIVISION

JP MORGAN CHASE BANK, N.A.,	
Plaintiff,	
v. FIRST AMERICAN TITLE INSURAN COMPANY, Defendant.	Case No. 09-14891 NCE HON. MARIANNE O. BATTANI
Consolidated with,	
FIRST AMERICAN TITLE INSURAN COMPANY, Plaintiff, v.	NCE Case No. 09-14915 HON. MARIANNE O. BATTANI
JP MORGAN CHASE BANK, N.A.,	
Defendant.	

ORDER RESOLVING PENDING MOTIONS

Before the Court is J.P. Morgan Chase Bank N.A.'s (Chase) request for immediate certification for appeal and a stay of the proceedings (Doc No. 42), First American Title Insurance Company's ("First American") Motion for Authorization to Discontinue Payment of Utilities and Other Bills (Doc. No. 45), and the Federal Deposit Insurance Corporation / Receiver's ("FDIC") Motion for a Protective Order (Doc. No. 46).

For the reasons stated on the record in a hearing held September 1, 2010, the Court

GRANTS Chase's request for interlocutory appeal, **STAYS** the proceedings as to First

American and Chase, but not the FDIC and First American, GRANTS FDIC's Motion for a

Protective Order, and **DENIES** First American's Motion for Authorization to Discontinue

Payment of Utilities and Other Bills.

As to the stay, the Court is satisfied that Chase has shown the likelihood that it will

prevail on the merits of the appeal and that the public interest in best served by granting

the stay as well as the absence of harm to others if the stay is granted.

IT IS HEREBY ORDERED that this action is STAYED as to Chase and First

American until the later of (1) the expiration of the time to file a petition for permission to

appeal to the United States Court of Appeals for the Sixth Circuit or, if such permission is

granted, (2) the disposition of any such appeal.

IT IS FURTHER ORDERED that FDIC shall respond and/or object to First

American's pending discovery request on or before **September 22, 2010**. Witness lists

must be filed on or before October 2, 1020. Discovery must be completed on or before

December 2, 2010; dispositive motions are due on or before December 23, 2010.

IT IS SO ORDERED.

s/Marianne O. Battani

MARIANNE O. BATTANI

UNITED STATES DISTRICT JUDGE

Dated: September 2, 2010

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CERTIFICATE OF SERVICE

Copies of this Order were served upon counsel of record on this date by ordinary mail and/or electronic filing.

<u>s/Bernadette M. Thebolt</u> Case Manager