

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

DAVID K. EASLICK, JR.,

Plaintiff,

v.

Case No. 10-CV-10621

DELTA KAPPA EPSILON FRATERNITY,

Defendant.

**ORDER SUSPENDING THE ACCOUNTANT HIRING COMPONENT OF THE
SCHEDULING ORDER AND SETTING DEADLINES**

The court's scheduling order directed the parties to file a preliminary witness list by May 11, 2010, and to provide opposing counsel with the name of the accountant they planned to use for this case so that the accountants could communicate and select a third-party accountant for possible utilization by the court. (4/28/10 Order at 3.) The parties were directed to submit to the court a joint memorandum setting forth the name of the third-party accountant by May 24, 2010. (*Id.*) Plaintiff did not comply with either of these obligations under the scheduling order, and Defendant filed a "Notice of Reliance on Plaintiff's Non-Designation of Witnesses." The court therefore conducted a status conference on June 30, 2010.

During the conference, Defendant explained that it had compelling evidence in its favor and that it was inclined to file a motion for summary judgment as well as a motion for Rule 11 sanctions. The court directed Defendant to provide Plaintiff with an outline of its motions, giving Plaintiff a deadline to respond as to whether he was in agreement. To facilitate this process, the court will set the deadlines below. In the interests of

economy, the court will suspend the requirement that the parties agree on a third-party accountant.

Accordingly, IT IS ORDERED that Defendant shall serve Plaintiff with its Rule 11 motion and an outline of its proposed summary judgment motion, on or before **July 15, 2010**. Plaintiff shall have until **July 29, 2010**, to agree and submit to the court a stipulated order of dismissal.¹ If Plaintiff does not stipulate to dismissal, Defendant shall have until **August 6, 2010**, to file its motions.

IT IS FURTHER ORDERED that the requirement in the scheduling order that the parties agree on a third-party accountant is SUSPENDED.

S/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: July 1, 2010

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, July 1, 2010, by electronic and/or ordinary mail.

S/Lisa G. Wagner
Case Manager and Deputy Clerk
(313) 234-5522

¹Rule 11 provides that a motion for sanctions “must not be filed or be presented to the court if the challenged paper, claim, defense, contention, or denial is withdrawn or appropriately corrected within 21 days after service or within another time the court sets.” Fed. R. Civ. P. 11(c)(2). Given that Plaintiff received notice of the basis of the motion during the status conference, the court will set July 29, 2010 as Plaintiff’s safe harbor deadline for purposes of Rule 11 sanctions.