

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

THOMAS D'ANGELO,

Plaintiff,

vs.

PAUL PARENT, CLINTON TOWNSHIP,
a municipal entity, NICHOLAS DYKAS,
JASON FIGURSKI and KEITH WATSON,
in their official and individual capacities,
jointly and severally,

Defendants.

Case No. 2:10-c-12195

Hon. Lawrence P. Zatkoff

Magistrate Judge Mona Majzoub

Removed from Macomb County Circuit
Case No. 10-944-NO

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**DEFENDANTS CLINTON TOWNSHIP, NICHOLAS DYKAS,
JASON FIGURSKI and KEITH WATSON'S RESPONSE TO
PLAINTIFF'S MOTION TO COMPEL DISCOVERY [7]**

NOW COME Defendants, CLINTON TOWNSHIP, NICHOLAS DYKAS, JASON FIGURSKI and KEITH WATSON (hereinafter referred to as "Defendants"), by and through their attorneys, Plunkett Cooney, and for their Response to Plaintiff's Motion to Compel Discovery [7] states as follows:

Plaintiff filed the instant Motion, Docket Number 7, on or about August 31, 2010.¹ Defendants subsequently served a Response to Plaintiff's First Discovery Requests, the outstanding discovery which was the basis for Plaintiff's Motion (Exhibit A). As part of Defendants' Response, they produced to Plaintiff a General Incident Report, a Macomb County Sheriff's Department Jail Detention Card, and a 41B District Court Order of Acquittal/Dismissal or Remand (Exhibit A, Response 2). Defendants otherwise properly responded to Plaintiff's Requests, placed objections where appropriate, and acknowledged their duty to supplement the responses in the event new information becomes available throughout discovery and as expert witnesses are named.

Despite Defendants' Responses, Plaintiff has refused to withdraw his Motion to Compel and apparently is treating it as a motion for more specific responses from Defendants. As stated, Defendants have properly responded to Plaintiff's Requests in the first place and, to the extent Plaintiff is treating the instant motion as one to compel more specific responses, this is improper and should not be considered by the Court without the appropriate motion being filed and Plaintiff identifying which responses Plaintiff apparently deems insufficient.

WHEREFORE, the above-named Defendants respectfully requests this Honorable Court to enter and Order denying Plaintiff's Motion to Compel Discovery.

PLUNKETT COONEY

BY: S/Peter W. Peacock
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Dated: November 1, 2010

¹ Defendants also filed a Motion to Compel against Plaintiff on or about September 2, 2010 [doc 10]; however, upon receipt of Plaintiff's responses, Defendants withdrew their motion.

PROOF OF SERVICE

The undersigned certifies that on November 1, 2010 I electronically filed the foregoing pleading with the Clerk of the Court using ECF system which will send notification of such filing to the all attorneys of record of all parties in the above cause

s/Peter W. Peacock

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