

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

LOWANA SHANELL DUMAS,

Plaintiff,

v.

Case No. 10-12661

HURLEY MEDICAL CENTER, et al.,

Defendants.

**ORDER DENYING PLAINTIFF'S "MOTION FOR CONTEMPT AND FOR SHOW
CAUSE ORDER" AND REQUEST TO STRIKE**

On September 16, 2011, Plaintiff Lowana Shanell Dumas filed a "Motion for Contempt and for Show Cause Order." Defendants AFSCME, Deloris Lots, and Patricia Ramirez filed a response on September 29, 2011, and Plaintiff filed a reply on October 2, 2011. Contained within Defendants' response was a request—a motion, in essence—for sanctions in the form of costs and fees, and in Plaintiff's reply was a request to strike exhibit eight of Defendants' response. The court held a hearing on October 14, 2011. Before denying the motions and requests, the court will pause to reinforce the cautions and directions stated on the record.

First, the court does not know, and cannot know, the tone of voice or language that has thus far been employed, either by Plaintiff or attorney Austin Garrett, in their telephone conversations; the court will not attempt to adjudicate the dispute that arises from the tone of such verbal communications. The court, however, urges that given Plaintiff's expressed concerns, she and Mr. Garrett communicate in written form at least for the time being. Emails are probably the more efficient way of doing so; copies

should be printed and kept by each party. The court further urges all parties, but Plaintiff most particularly, to write to each other—and to the court—in a way that is concise, businesslike, and devoid of extraneous accusations of impropriety. Written communications should ordinarily be focused on events and facts. Writings should avoid imputations of an attorney’s motivation or thinking such as Plaintiff has included in her recent presentations to the court, including an unfortunate array of racially-charged accusations aimed at Mr. Garrett. Such accusations are insulting and inappropriate, and they shall cease. “Motive,” however, is near the core of Plaintiff’s employment discrimination claims, and the court does not in any way seek to inhibit Plaintiff from writing about or otherwise referring to Defendants’ motive in that sense.

Second, except in the most extreme circumstances, the court will not attempt to adjudicate an alleged failure to comply with the civility principals adopted by the court as Plaintiff has presented them here.

Third, a complaint such as Plaintiff’s that an attorney has acted “unprofessionally” is, in itself, seldom if ever a proper basis for substantive relief to the opposite party. The court finds nothing to adjudicate in this case on that basis as presented here.

Fourth, the parties are directed to proceed to conduct and attempt to conclude the necessary depositions in the case on the schedule already established.

Fifth, the court will explore the possibility of locating a volunteer attorney to interview Plaintiff and undertake her representation *pro bono*. The court has no authority to order an attorney to do so, and therefore cannot promise that a volunteer will be found.

Accordingly, for the reasons stated above and on the record,

IT IS ORDERED that Plaintiff's "Motion for Contempt and for Show Cause Order" [Dkt. # 85] is DENIED.

IT IS FURTHER ORDERED that Plaintiff's request to strike exhibit eight of Defendants' responsive brief, found within her October 2, 2011 reply [Dkt. # 88], is DENIED.

IT IS FURTHER ORDERED that Defendants' request for sanctions in the form of costs and fees, found within their September 29, 2011 response [Dkt. # 87], is DENIED.

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

Dated: October 18, 2011

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, October 18, 2011, by electronic and/or ordinary mail.

s/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522

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