UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

RAYMOND and LANA ELDER,

Plaintiffs,

v.

HARRISON TOWNSHIP, a municipal corporation; ANTHONY FORLINI, in his individual and official capacity; VIJAY PARAKH, in his individual and official capacity; and ERIN HARDCASTLE-MELHOSE, in her individual capacity, jointly and severally.

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Case No. 10-13144

Paul D. Borman
United States District Judge

Michael J. Hluchaniuk
United States Magistrate Judge

ORDER PERMITTING PLAINTIFFS TO RESUBMIT RESPONSIVE BRIEFING AND SETTING A DATE FOR FILING REPLY BRIEF

On November 2, 2010, Defendants Harrison Township and Anthony Forlini filed a Motion for Summary Judgment and to Dismiss. (Dkt. No. 12.) On November 10, 2010 the Court issued an Order requiring Plaintiffs to respond to the motion by December 10, 2010 and Defendants to file a reply by January 4, 2011 and scheduling the matter for hearing on March 17, 2011. (Dkt. No. 15.) On December 10, 2010, Plaintiffs filed a timely response. (Dkt. No. 20.) Also on December 10, 2010, Defendants Vijay Parakh and Erin Hardcastle-Melhose filed a concurrence and joinder in the motion filed by Defendants Harrison Township and Anthony Forlini, and providing additional argument. (Dkt. No. 19.) On December 16, 2010, Defendants Harrison Township and Anthony Forlini filed their reply to Plaintiffs' response to their motion for summary judgment and to dismiss. (Dkt. No. 21.)

Because Defendants Vijay Parakh and Erin Hardcastle-Melhose filed their concurrence and joinder on the same date that Plaintiffs were required by the Court to respond to the original motion filed by Defendants Harrison Township and Anthony Forlini, Plaintiffs did not have an opportunity to address the arguments raised in the joinder and concurrence, which was actually captioned and docketed as a separate motion. (Dkt. No. 19.) Accordingly, the Court will permit Plaintiffs to withdraw their original response to Defendants Harrison Township and Anthony Forlini's motion for summary judgment and to dismiss and to refile, on or before January 10, 2011, a combined response, of up to twenty (20) pages in length, to both the original motion filed on November 2, 2010 and the joinder and concurrence filed on December 10, 2010. Defendants Vijay Parakh and Erin Hardcastle-Melhose will then have until January 24, 2011 to file a reply of up to five (5) pages in length. The hearing date currently set for March 17, 2011 will remain unchanged.

IT IS SO ORDERED.

PAUL D. BORMAN
UNITED STATES DISTRICT COURT

Dated: DEC 27 2010

PURSUANT TO RULE 77 (d), FED. R. CIV. P.
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DEPUTY COURT CLERK