

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

Commercial Law Corporation, P.C.,
a Michigan Professional Corporation,

Plaintiff,

v.

Federal Deposit Insurance Corporation,
as Receiver for Home Federal Savings
Bank,

Defendant.

Case No. 10-13275

Sean F. Cox

United States District Court Judge

ORDER DENYING
MOTIONS FOR LEAVE TO FILE MOTIONS FOR SUMMARY JUDGMENT

This action was filed on August 18, 2010. As explained in this Court's February 4, 2014 Opinion & Order, there were numerous discovery disputes that delayed the progression of this action. This Court extended the dates contained in the Scheduling Order several times. (*See, e.g.,* 3/7/11 Scheduling Order and 12/6/11 Scheduling Orders). Ultimately, after resolving a discovery motion filed by Defendant, the Court set a final date of October 25, 2013 for the filing of dispositive motions.

Defendant filed a Motion for Summary Judgment on October 25, 2013.

Plaintiff did not file any dispositive motions; nor did Plaintiff ask the Court to extend the deadline for filing dispositive motions beyond October 25, 2013.

This Court granted summary judgment in favor of Defendant in an Opinion & Order issued on February 4, 2014. Thereafter, Plaintiff appealed.

The Sixth Circuit reversed and remanded in *Commercial Law Corp., P.C. v. F.D.I.C.*,

777 F.3d 324 (6th Cir. 2015).

At a Status Conference held after the mandate issued, Counsel for both parties inquired about filing additional motions for summary judgment. Due to the *very late stage* of this litigation, the Court issued an order providing that any party who wishes to file a motion for summary judgment must file a motion seeking leave to do so.

On July 20, 2015, Plaintiff and Defendant each filed a motion seeking leave to file a motion for summary judgment.

The Court finds that oral argument would not aid the decisional process. *See* Local Rule 7.1(f)(2), U.S. District Court, Eastern District of Michigan. The Court therefore orders that the motions will be decided without oral argument.

Having considered the pending motions, the Court concludes that neither party has presented a sufficient reason for this Court to further delay trial in this 2010 case by allowing the filing of additional dispositive motions. The matter shall proceed to trial.

Accordingly, the Court **ORDERS** that both motions seeking leave to file additional dispositive motions (Docket Entry Nos. 211 & 212) are **DENIED**.

IT IS FURTHER ORDERED that the Final Pretrial Conference in this matter shall be held on October 5, 2015, at 2:00 p.m., as provided in this Court's June 30, 2015 Order. **The Court reminds counsel to review that order, which addresses the requirements for the Final Pretrial Conference and the persons required to attend it in person.**

IT IS SO ORDERED.

S/Sean F. Cox
Sean F. Cox
United States District Judge

Dated: August 13, 2015

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PROOF OF SERVICE

I hereby certify that a copy of the foregoing document was served upon counsel of record
on August 13, 2015, by electronic and/or ordinary mail.

S/Jennifer McCoy

Case Manager