

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

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MACOMB INTERCEPTOR DRAIN DRAINAGE  
DISTRICT,

Plaintiff,

and

CITY OF DETROIT and DETROIT WATER AND  
SEWERAGE DEPARTMENT,

Plaintiff-Intervenors,

v.

Case No. 11-13101

KWAME KILPATRICK, et al.,

Defendants.

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**ORDER TOLLING DEADLINES FOR RESPONSIVE PLEADINGS  
AND SUSPENDING FURTHER MOTION PRACTICE AND  
BRIEFING ON PENDING MOTIONS TO DISMISS**

In January 2012, the court, citing a concern for judicial economy and seeking to streamline consideration of issues presented to the court in multiple motions to dismiss being separately and simultaneously briefed, terminated all pending motions to dismiss and tolled the Federal Rule of Civil Procedure 12 deadlines for the service of responsive pleadings. The court further indicated that it would reinstitute the Rule 12 deadlines following adjudication of Plaintiff-Intervenor's motion to intervene. During a subsequent status conference with counsel for the parties, counsel for Defendant Anthony Soave indicated that Defendants intended to file a joint motion for summary judgment that would squarely place before the court the issue of which entity, Plaintiff Macomb

Interceptor Drain Drainage District or Plaintiff-Intervenor Detroit Water and Sewerage Department, had standing to bring the tort-based claims contained in the original complaint. Such a joint motion was filed on February 24, 2012, and the court has set a hearing on the motion for July 25, 2012.

Following the reinstatement of the Rule 12 deadlines in the court's May 7, 2012 order, numerous Defendants have again filed independent motions to dismiss against Plaintiff's original complaint, likely out of a concern that the deadlines for responsive pleadings may expire prior to the court's adjudication of the pending joint motion for summary judgment. Because adjudication of the joint motion may very well moot Defendants' motions to dismiss, and in order to promote judicial efficiency and encourage the preservation of client resources, the court will once again toll all deadlines for the service of responsive pleadings contemplated by Rule 12 with respect to both Plaintiff Macomb Interceptor's complaint and Plaintiff-Intervenors City of Detroit and Detroit Water and Sewerage Department's intervening complaint. Further filing of motions and briefing on the recently filed motions to dismiss will also be suspended pending resolution of the joint motion for summary judgment. Accordingly,

IT IS ORDERED that all deadlines for the service of responsive pleadings and motions contemplated by Federal Rule of Civil Procedure 12 are tolled as to both Plaintiff Macomb Interceptor Drain Drainage District's original complaint and Plaintiff-Intervenors the City of Detroit and the Detroit Water and Sewerage Department's intervening complaint pending further court order.

IT IS FURTHER ORDERED that briefing on the pending motions to dismiss [Dkt. ## 214, 218, 219, 221] is SUSPENDED pending further court order. The court expects that no additional motions, including motions to dismiss, will be filed without leave of the court pending resolution of the referenced joint motion for summary judgment.

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

Dated: June 11, 2012

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, June 11, 2012, by electronic and/or ordinary mail.

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