

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

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LABORERS PENSION TRUST FUND DETROIT  
AND VICINITY , et al.

Plaintiff,

v.

Case No. 11-13464

FIRST SEALORD SURETY, INC.,

Defendants.

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**ORDER SETTING SCHEDULE FOR MOTION FOR JUDGMENT**

On November 4, 2011, the court conducted a scheduling conference with counsel for Plaintiff and Defendant. Counsel indicated that they did not believe that material issues of fact were in dispute, and agreed that the most efficient way to resolve this matter is through motion practice to resolve the dispute as a matter of law. As agreed at conference, the court will set a schedule to prepare for rendering judgment. Accordingly,

IT IS ORDERED that Plaintiff is DIRECTED to file a motion for judgment by **December 2, 2011**. Defendant shall file a response in opposition to Plaintiff's motion, by **December 16, 2011**. Although the response is not to be entitled "Counter-motion," Defendant may nonetheless argue for—and the court may grant—judgment in favor of Defendant as a non-moving party. Fed. R. Civ. R. 56(f). Finally, any reply shall be filed by **January 4, 2012**. No sur-reply is to be filed without leave of court.

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

Dated: November 16, 2011

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, November 16, 2011, by electronic and/or ordinary mail.

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