UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DeShawn Evans and Benita Evans,

     Plaintiffs,

v.   Case No. 12-12794

United States of America,   Honorable Sean F. Cox

     Defendant.

_____/

ORDER

This is a car accident case. Plaintiffs DeShawn and Benita Evans allege that they were injured in a collision caused by Customs and Border Patrol Agent Justin McCormack. Plaintiffs filed suit against the United States of America pursuant to the Federal Tort Claims Act on June 26, 2012.

On January 27, 2013, the parties appeared before the Court for a Final Pretrial Conference. (*See* Doc. # 53). During the Final Pretrial Conference, this Court heard oral argument on Defendant's Renewed Motion to Dismiss, (Doc. # 49), which included details regarding the parties' discovery disputes to date. After considering the parties' positions, this Court hereby ORDERS as follows:

1)   Defendant's Renewed Motion to Dismiss is DENIED without prejudice;

2)   The continued deposition of Plaintiff Benita Evans is to take place on January 29, 2014 at 12:00 p.m.;

3)   The continued deposition of Plaintiff DeShawn Evans is to take place on February 4, 2014 at 10:00 a.m;

4)   The interior inspection of Plaintiffs' vehicle is to take place on February 5, 2014 at 1:00 p.m. at Defendant's expert's facility in Ann Arbor, Michigan.

Defendant is ordered to arrange for Plaintiffs' subject vehicle to be towed to and from the inspection facility on that date. The parties are each ordered to pay fifty percent (50%) of the cost of towing the vehicle to and from the inspection facility.

This Court further orders that if any of the abovementioned remaining discovery is not completed

on the date and time provided by the parties, this Court will dismiss Plaintiff's case with prejudice.

IT IS SO ORDERED.

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

Dated: January 29, 2014

I hereby certify that a copy of the foregoing document was served upon counsel of record on January 29, 2014, by electronic and/or ordinary mail.

S/Jennifer McCoy
Case Manager