

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

PENNY S. LAKE,

Plaintiff,

v.

No. 12-cv-14976

Hon. George Caram Steeh

DR. SALVATORE CAVALIERE,
LIFESTYLE LIFTS HOLDING, INC.,
and LIFESTYLE LIFTS HOLDING II,
INC. d/b/a LIFESTYLE LIFTS,

Defendants.

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ORDER DENYING MOTION FOR DEFAULT JUDGMENT (#11) AS MOOT
AND DENYING PORTION OF MOTION TO SET ASIDE
DEFAULT AND DISMISS (#14) AS MOOT

On November 9, 2012, plaintiff filed an action against defendants alleging medical malpractice. On December 14, 2012, defendants Lifestyle Lifts Holding, Inc. and Lifestyle Lifts Holding II, Inc. filed an affidavit of non-involvement pursuant to MCL 600.2912c. On December 28, 2012, plaintiff filed an objection to the affidavit. On December 28, 2012, plaintiff filed a motion for default judgment as to defendant Cavaliere. On January 4, 2013, defendant Cavaliere filed a response to plaintiff's motion for default judgment. The same day, defendant Cavaliere filed a motion to set aside entry of default and to quash service of process and/or to dismiss for failure to comply with MCL 600.2912b. On February 22, 2013, plaintiff served defendant Cavaliere. Cavaliere does not contest the service but intends to pursue his motion as to his request to dismiss the action for failure to comply with MCL 600.2912b. Counsel for

plaintiff indicates plaintiff is no longer pursuing her motion for default judgment. Accordingly, plaintiff's motion for default judgment (#11) is DENIED as moot. Defendant Cavaliere's motion to set aside entry of default and to quash service of process is DENIED as moot but his motion to dismiss for failure to comply with MCL 600.2912b will be heard on **March 21, 2013 at 9:30 a.m.** At that time, the court will also hear argument on defendants Lifestyle Lifts Holding, Inc. and Lifestyle Lifts Holding II, Inc.'s MCL 600.2912c affidavit.

IT IS SO ORDERED.

Dated: March 14, 2013

s/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on March 14, 2013, by electronic and/or ordinary mail.

s/Marcia Beauchemin
Deputy Clerk