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

WILLIE MCCORMICK & ASSOCIATES, INC.	,
Plaintiff,	
V.	Case No. 12-15460
LAKESHORE ENGINEERING SERVICES, INC., et al.,	
Defendants.	/

OPINION AND ORDER GRANTING IN PART PLAINTIFF'S MOTION FOR DEFAULT JUDGMENT

Following the court's December 20, 2013, "Opinion and Order Granting Defendants' Motions to Dismiss With Prejudice," and a stipulated order of dismissal as to Defendant Mercado, only Defendants Kwame Kilpatrick, Derrick A. Miller, Bobby W. Ferguson, Ferguson's Enterprises, Inc., and Xcel Construction Services, Inc. remain in this action. On February 6, 2014, the clerk entered default as to Defendants Kilpatrick, Ferguson, Ferguson's Enterprises, Xcel Construction, and Miller, and on February 28, 2014, Plaintiff filed a motion for default judgment. The court held a hearing on April 23, 2014, in which it expressed skepticism that Plaintiff's antitrust and RICO claims could survive, given the court's December 20 order. However, the court deferred ruling on the issue and granted Plaintiff approximately 90 days to conduct third-party discovery into the amount of damages that would be owed under its claim alleging a violation of its rights under the equal protection clause of the fourteenth amendment. 42 U.S.C. § 1981; 1983.

Since that time, Plaintiff has filed a motion seeking relief from the court's

December 20 order. Defendants have filed a response, and the matter is currently

under the court's consideration. In the meantime, however, the court sees no reason

why default judgment should not be entered in favor of Plaintiff on its equal protection

claim against Defendants Kilpatrick and Miller. Regarding the remainder of Plaintiff's

antitrust and RICO claims against Defendants Kilpatrick, Ferguson, Ferguson's

Enterprises, Xcel Construction, and Miller, the court will defer ruling on default judgment

for these claims until after Plaintiff's motion for relief from judgment has been resolved.

Accordingly,

IT IS ORDERED that Plaintiff's motion for default judgment (Dkt. # 114) is

GRANTED IN PART and default judgment in favor of Plaintiff will be entered on count

IV of the amended complaint. The court will order further briefing on the issue of

damages once Plaintiff's motion for relief from judgment has been resolved.

s/Robert H. Cleland

ROBERT H. CLELAND

UNITED STATES DISTRICT JUDGE

Dated: September 30, 2014

I hereby certify that a copy of the foregoing document was mailed to counsel of record

on this date, September 30, 2014, by electronic and/or ordinary mail.

s/Lisa Wagner

Case Manager and Deputy Clerk

(313) 234-5522

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