

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

ROBERT SMITH,

Plaintiff,

Case No. 14-cv-10426

Hon. Matthew F. Leitman

v.

NORFOLK SOUTHERN COMPANY and  
CONSOLIDATED RAIL CORPORATION,

Defendants.

---

**ORDER DENYING (1) DEFENDANT CONSOLIDATED RAIL  
CORPORATION'S MOTION FOR SUMMARY JUDGMENT (ECF #15)  
AND (2) REQUIRING PARTIES TO ATTEND SETTLEMENT  
CONFERENCE**

Defendant Consolidated Rail Corporation (“Conrail”) filed a Motion for Summary Judgment on July 7, 2015 (the “Motion for Summary Judgment”). (*See* ECF #15 at 1, Pg. ID 121.) The Court held a hearing on the Motion for Summary Judgment on September 29, 2015. For the reasons stated on the record at the hearing, **IT IS HEREBY ORDERED** that the Motion for Summary Judgment (ECF #15) is **DENIED**.

**IT IS FURTHER ORDERED** that this matter is **REFERRED** to Magistrate Judge David R. Grand for the purpose of holding a settlement conference at a date and time to be set by the Magistrate Judge. In addition to counsel, both Plaintiff and a representative for Conrail with **FULL** settlement

authority shall personally attend the settlement conference. Until further order of the Court, all currently-scheduled dates, including the previously-scheduled dates for the Final Pre-Trial Conference and Trial are **ADJOURNED**. The Court will revisit the need to reschedule these dates, if necessary, following the settlement conference.

**IT IS SO ORDERED.**

s/Matthew F. Leitman  
MATTHEW F. LEITMAN  
UNITED STATES DISTRICT JUDGE

Dated: September 29, 2015

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on September 29, 2015, by electronic means and/or ordinary mail.

s/Holly A. Monda  
Case Manager  
(313) 234-5113