

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CHRYSLER GROUP, LLC,

Plaintiff,

v.

Case No. 14-12964

EAGLE AUTO-MALL CORP.,

HON. AVERN COHN

Defendant.

**ORDER REGARDING DEFENDANT'S AMENDED MOTION FOR STATUS
CONFERENCE TO SET PHASE II DISCOVERY SCHEDULE (Doc. 80).**

I.

This is a business dispute in a automotive dealer relationship. The parties' relationship dates back to 1998 when Chrysler, FCA's¹ predecessor, awarded Eagle a Jeep dealership in Riverside, NY. Eagle's dealership did not survive Chrysler's 2009 bankruptcy; however, Eagle prevailed in arbitration in 2010. In accordance with the arbitration decision, and after a lawsuit over the terms of the parties' relationship, provided Eagle with a Letter of Intent (LOI) regarding Eagle operating an FCA dealership.

In July 2014, FCA sued Eagle in state court seeking declaratory relief on the grounds that Eagle has, or will, breach the LOI. Eagle removed the case to federal court on the grounds of diversity jurisdiction. Eagle also counterclaimed, asserting the following claims:

¹Effective December 15, 2014, Chrysler is now known as FCA US LLC (FCA).

Count I	Declaratory Relief as to Modification of the LOI and FCA's Breach
Count II	Contract Reformation
Count III	Breach of Contract and Duty of Good Faith and Fair Dealing
Count IV	Fraud
Count V	Promissory Estoppel

The Court divided the case into two phases. Phase I involved Eagle's claims for reformation of the LOI and modification. Phase II involved the parties' remaining claims. Phase II was stayed pending the outcome of Phase I. See Doc. 22.

FCA moved for summary judgment on Counts I and II, i.e the claims in Phase I. The Court granted the motion. (Doc. 60) After additional motion practice and the filing of a second amended counterclaim, see Doc. 75, the following claims are at issue:

FCA's claim for declaratory relief

Eagle's claim for breach of contract

II. Pending Motions

There are three (3) pending motions, all of which are fully briefed:

1. FCA's motion for summary judgment (Doc. 77)
2. Eagle's Amended Motion for Status Conference to Set Phase II Discovery Schedule (Doc. 80)
3. Eagle's Motion for Summary Judgment, contained in its response to FCA's motion for summary judgment, (Doc. 81)

III.

On March 10, 2016, the Court held a telephone conference to discuss Eagle's motion for a status conference. As stated during the conference, discovery is deferred

until the pending summary judgment motions are resolved. If anything remains of the case after resolution of either Eagle's breach of contract claim or FCA's declaratory relief request, the issue of whether additional discovery is necessary will then be considered.

SO ORDERED.

S/Avern Cohn
AVERN COHN
UNITED STATES DISTRICT JUDGE

Dated: March 10, 2016
Detroit, Michigan