

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

JENNY WONG and  
MICHAEL CHUNG

Plaintiffs,

v.

Case No. 14-cv-13798  
Hon. Matthew F. Leitman

DETROIT ENTERTAINMENT,  
LLC *et al.*

Defendants.

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**ORDER REQUIRING SUPPLEMENTAL BRIEFING**

In this action, Plaintiffs Jenny Wong (“Wong”) and Michael Chung (collectively, “Plaintiffs”) assert several claims that have as an element that the Defendants acted without probable cause to believe that Wong committed a crime. These claims include false arrest and malicious prosecution (both of which are asserted under state and federal law). (*See* Sec. Am. Compl., ECF #55 at Counts III and IV, ¶¶ 68 – 85.)

On January 22, 2016, Plaintiffs filed a motion in limine in which they seek to exclude certain testimony related to the surveillance tapes of the alleged theft (the “Motion”). (*See* ECF #47.) The Court has reviewed the Motion and

Defendants' responses (*see* ECF ## 56-58), and it has concluded that it would benefit from supplemental briefing from both parties on the following questions:

- With respect to the probable cause element of counts three and four of the Second Amended Complaint (Plaintiffs' false arrest and malicious prosecution claims), who decides whether the Defendants acted with or without probable cause, the Court or the jury? And if the Court decides, does it make that decision prior to trial or following the presentation of proofs at trial?

The parties are to analyze these questions *separately* under *both* state and federal law, and are to provide the Court the most appropriate and relevant authorities that support their positions. The parties shall file their supplemental briefs by no later than **March 28, 2016**. The supplemental briefs shall not exceed ten pages.

**IT IS SO ORDERED.**

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

Dated: March 15, 2016

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on March 15, 2016, by electronic means and/or ordinary mail.

s/Holly A. Monda  
Case Manager  
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