

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

KAY PREE,

Plaintiff,

Case No. 15-cv-10999

Hon. Matthew F. Leitman

v.

NATIONAL UNION FIRE INSURANCE
COMPANY OF PITTSBURGH, PA.,

Defendant.

**ORDER GRANTING DEFENDANT'S
MOTION FOR SUMMARY JUDGMENT (ECF #31)**

On January 13, 2015, Plaintiff Kay Pree (“Pree”) filed an action in the Wayne County Circuit Court against Defendant National Union Fire Insurance Company of Pittsburgh, PA (the “Defendant”). (*See* Compl., ECF #1-2.) Pree sought to recover no-fault benefits and uninsured motorist benefits from Defendant. On March 17, 2015, Defendant removed the action to this Court. (*See* ECF #1.) On September 24, 2015, Defendant moved for partial summary judgment on Pree’s claim for uninsured motorist benefits. (*See* ECF #12.) The Court granted that motion on November 9, 2015. (*See* ECF #17.)

On May 10, 2016, Defendant filed a second motion for summary judgment on Pree’s remaining claim for no-fault benefits (the “Motion”). (*See* ECF #31.)

On May 31, 2016, the Court entered an Order extending the deadline for Pree to file a response to the Motion. (*See* ECF #34.) The Court stated that Pree was required to file her response no later than June 7, 2016. (*See id.*) Pree, however, failed to file a response by that date. On July 28, 2016 – over seven weeks after Pree’s response to the Motion was due – the Court entered an order requiring Pree to show cause in writing why the Motion should not be granted (the “Show-Cause Order”). (*See* ECF #35.) In the Show-Cause Order, the Court warned Pree that her “failure to respond may result in the dismissal of the Complaint.” (*Id.* at 2, Pg. ID 793.) But Pree still failed to respond. Pree’s failure to respond to the Motion and the Show-Cause Order is part of a larger pattern of failures to comply with the governing rules and with orders entered in this action.¹

¹ Pree failed to file a timely response to Defendant’s initial motion for summary judgment. Pree responded to that motion only after the Court entered an order requiring Pree to show cause in writing why that motion should not be granted. (*See* ECF #13.) Furthermore, Pree failed to respond to discovery requests, thereby requiring Defendant to file a motion to compel discovery on November 14, 2015. (*See* ECF #28.) The Court granted Defendant’s motion to compel on December 16, 2015. (*See* ECF #21.) However, Pree failed to comply with the order to compel, and on January 13, 2016, Defendant filed a motion to dismiss Pree’s Complaint due to that failure. (*See* ECF #25.) Although the Court denied that motion, the Court noted its “serious concerns about the repeated failure of Plaintiff’s counsel to comply with orders of this Court and with the rules governing practice in this Court.” (*See* ECF #29 at 1, Pg. ID 583.) In the same Order, the Court also took under advisement “whether to impose a monetary sanction against Plaintiff’s counsel for failing to provide discovery and failing to comply with the Court’s discovery orders.” (*Id.* at 2, Pg. ID 584.)

The Court has reviewed the Motion and concludes that Defendant has made plausible arguments showing that it is entitled to the relief it seeks. Moreover, by failing to respond to the Motion, Pree has abandoned the lone remaining claim against Defendant. *See Phillips v. UAW Int'l*, 149 F. Supp. 3d 790, 798 (E.D. Mich. 2016) (“A plaintiff abandons undefended claims.”) (citing *Doe v. Bredesen*, 507 F.3d 998, 1007-08 (6th Cir. 2007)). Accordingly, **IT IS HEREBY ORDERED** that Defendant’s Motion (ECF #31) is **GRANTED**.

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

Dated: August 5, 2016

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on August 5, 2016, by electronic means and/or ordinary mail.

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