

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

KONICA MINOLTA BUSINESS  
SOLUTIONS, U.S.A., INC,

Plaintiff,

Case No. 15-11254

v.

HONORABLE VICTORIA A. ROBERTS

LOWERY CORPORATION D/B/A  
APPLIED IMAGING SYSTEMS, INC.,  
MATT AARON, ROB BELL, LINDA BOYLE,  
STEVE HURT, JON LIVINGSTON,  
RANDY MAGNER, and ANNA STEWART,

Defendants.

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**ORDER DENYING MOTION TO AMEND JOINT PLAN**

Plaintiff filed a Motion to Amend Joint Plan (ECF No. 36). That Motion requests three forms of relief: (1) a Court order that Defendants comply with the terms of the approved Joint Plan; (2) elimination of the mediation requirement so that the parties proceed directly to phase two of discovery; and (3) reasonable attorneys fees associated with having to prepare and file the Motion.

The Motion is **DENIED** as moot.

Defendants' alleged discovery violations are to be addressed in the context of Plaintiff's Amended Motion for Sanctions (ECF No. 89), and subsequent discovery is to be outlined in detail by the parties in the Amended Rule 26(f) Joint Plan, which is due on July 28, 2016, pursuant to the Court's Notice (ECF No. 99). Because mediation already occurred, the request to remove the mediation requirement is denied as moot. Attorneys

fees will not be evaluated in the context of this motion; because the request for fees is tied to Defendants' alleged discovery violations, it will be considered in connection with the Amended Motion for Sanctions.

**IT IS ORDERED.**

S/Victoria A. Roberts  
Victoria A. Roberts  
United States District Judge

Dated: July 15, 2016

The undersigned certifies that a copy of this document was served on the attorneys of record by electronic means or U.S. Mail on July 15, 2016.

S/Carol A. Pinegar  
Deputy Clerk