UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MICHAEL DORMAN, *et al.*,

Plaintiffs,

Case No. 15-cv-12552
Hon. Matthew F. Leitman

v.

TOWNSHIP OF CLINTON,

Defendant.
_____/

ORDER ON MOTION HEARING

On June 26, 2018, the Court held a hearing on two motions: Plaintiffs' renewed motion to compel certain discovery (ECF #48) and Plaintiffs' motion for partial summary judgment (ECF #49). Defendant has also filed a motion for summary judgment. (*See* ECF #58.) That motion is not fully briefed.

For the reasons stated on the record at the hearing, **IT IS HEREBY ORDERED** as follows:

- Plaintiffs' renewed motion to compel discovery (ECF #48) is **GRANTED IN PART AND DENIED IN PART** as follows: Plaintiffs may take the depositions of the six city officials identified in their renewed motion to compel. (*See id.* at ¶7, Pg. ID 1232.) With respect to questions related to the decision to deny Plaintiffs a Special Use Permit, Plaintiffs may inquire "only about objective manifestations of the decisionmaking process. For example,

[Plaintiffs] may ask the [township officials] about what they said to others about [Plaintiffs and issues related to their request for a Special Use Permit], what they heard, what they read, what they were told, and so forth. The Court will not [at this time], allow [Plaintiffs] to inquire as to the [township officials'] subjective uncommunicated thoughts." *North Pacifica, LLC v. City of Pacifica*, 274 F.Supp.2d 1118, 1125 (N.D. Cal. 2003).

- Plaintiffs' motion for partial summary judgment (ECF #49) is **DENIED WITHOUT PREJUDICE**;
- Defendant's motion for summary judgment (ECF #58) is **DENIED WITHOUT PREJUDICE**; and
- Discovery is re-opened for a period of **90 days** from the date of this Order. All discovery must be **completed** by the end of this time period. Both parties may file new motions for summary judgment at the completion of this additional period of discovery.

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

Dated: June 26, 2018

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on June 26, 2018, by electronic means and/or ordinary mail.

s/Holly A. Monda
Case Manager
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