

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

R. ALEXANDER ACOSTA,
Secretary of Labor, United
States Department of Labor,

Plaintiff,

v.

CASE NO. 15-CV-14310
HON. GEORGE CARAM STEEH

MIN & KIM INC., d/b/a
SEOUL GARDEN OF ANN
ARBOR, KOUNWOO HUR,
and SUNG HEE KIM,

Defendants.

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**ORDER GRANTING IN PART PLAINTIFF'S MOTION FOR
MODIFICATION OF SCHEDULING ORDER (Doc. 76)**

Now before the court is the Secretary of Labor's motion to modify the scheduling order to reset the trial in this matter no sooner than 60-days after the court rules on the dispositive and non-dispositive motions now pending. The Secretary states that concurrence in the motion was sought but that the Secretary was unable to reach defense counsel. The Secretary requests the extension in part so that the parties may pursue settlement discussions pre-trial. Under Local Rule 16.1(f), the court will reschedule the final pretrial conference and trial date if a timely filed

dispositive motion is pending on the seventh day before the date for submitting the final pretrial order. It is unlikely that the court will decide the dispositive motions pending prior to the date set for the filing of the final pretrial order. Accordingly, in the event that the court denies the pending cross-motions for summary judgment, the court anticipates filing a new scheduling order. Although the Secretary requests a 60-day extension of the trial date, the court will revisit the question of the number of days to adjourn the pretrial conference and trial date, if necessary, upon entry of its decisions on the dispositive motions.

Accordingly, the Secretary's motion to modify the scheduling order and to continue the trial dates (Doc. 76) is GRANTED IN PART in that the court will issue a new scheduling order should the court deny the pending cross-motions for summary judgment. At this time, the court DENIES as premature the 60-day time extension sought and will revisit the matter of timing, if necessary, after the dispositive motions are decided. The court will hear from defendants at that time as to the appropriate length of time for the adjournment.

The court notes that the parties previously appeared before Magistrate Judge Elizabeth Stafford for a settlement conference. Given the

Secretary's request to extend the scheduling order to allow for settlement discussions after the dispositive motions are decided, the court invites the parties to enter into those discussions now. Should the parties wish to do so before Magistrate Judge Stafford, or if there is any other way that the court may support the parties in such endeavors, the court invites the parties to notify the court of their intentions should the parties desire any assistance from the court in their settlement discussions.

IT IS SO ORDERED.

Dated: July 13, 2017

s/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on July 13, 2017, by electronic and/or ordinary mail.

s/Marcia Beauchemin
Deputy Clerk