

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MARIA MCCORMACK,

Plaintiff,

Case No. 15-cv-14507

Hon. Matthew F. Leitman

v.

CITY OF WESTLAND, *et al.*,

Defendants.

ORDER (1) REQUIRING THE HIGHLAND LANDSCAPING DEFENDANTS TO SERVE PLAINTIFF WITH THEIR MOTION TO ENFORCE THE SETTLEMENT, (2) SETTING A DATE FOR PLAINTIFF TO RESPOND TO THE HIGHLAND LANDSCAPING DEFENDANTS' MOTION TO ENFORCE THE SETTLEMENT, AND (3) REQUIRING THE WESTLAND DEFENDANTS TO FILE A REPLY TO PLAINTIFF'S RESPONSE TO THEIR MOTION TO ENFORCE THE SETTLEMENT

Currently pending before the Court are three motions:

1. A motion by Defendants Officer Abramski, Brenn Dohring, Kelly Eggers, Tom Lutkenhoff, Chris Szpara, Wayne Westland Fire Association, City of Westland, and Tim Wilson (the "Westland Defendants") to enforce the settlement agreement placed on the record on October 17, 2017. (*See* ECF #76.)
2. A motion by Defendants Highland Landscape and Snowplowing, Jeff Speaks, Gage Speaks, Alfredo Vega, and Jose Vega (the "Highland Landscape Defendants") to enforce the settlement agreement placed on the record on October 17, 2017. (*See* ECF #77.)
3. A motion by Plaintiff in which she asks the Court not to enforce the settlement agreement placed on the record on October 17, 2017. (*See* ECF #78.)

I

Plaintiff says that the Highland Landscaping Defendants did not serve their motion upon her. The Certificate of Service attached to that motion supports Plaintiff's assertion. The certificate states that the Highland Landscaping Defendants filed the motion "using the ECF system which will send notification of such filing to the following: all attorneys of record." (Highland Defs.' Mot., ECF #77 at Pg. ID 986.) The Highland Landscaping Defendants stated "N/A" in response to the following statement on the Certificate of Service: "I further certify that I have mailed by United States Postal Service the paper to the following non-ECF participants." (*Id.*) Plaintiff is not an ECF participant. Therefore, the Highland Landscaping Defendants were required to serve Plaintiff by ordinary mail. Accordingly, **IT IS HEREBY ORDERED THAT** the Highland Landscaping Defendants shall serve Plaintiff with the motion to enforce the settlement by depositing a copy of their motion in the United States mail by not later than **June 29, 2018**. Plaintiff shall respond to the Highland Landscaping Defendants' motion by not later than **July 23, 2018**.

II

In Plaintiff's response to the Westland Defendants' motion, she complains about the version of the written settlement agreement that the Westland Defendants attached to their motion. She attaches to her response a different version of the

written settlement agreement. The version of the agreement attached by Plaintiff includes references to the terms discussed at the December 18, 2017, status conference that are not included in the agreement attached by the Westland Defendants. The Court would benefit from an explanation by the Westland Defendants concerning which version of the settlement agreement is the correct one – i.e., the one that they ask the Court to order Plaintiff to sign. The Court would further benefit from learning the Westland Defendants’ explanation for the differences between the two versions of the agreement and explanation as to why the Westland Defendants chose to present to the Court the version attached to their motion.

Accordingly, **IT IS HEREBY ORDERED THAT** the Westland Defendants shall file a reply to Plaintiff’s response by not later than **July 11, 2018**. In addition to including any other arguments they wish to make, the Westland Defendants shall address and explain the difference between the agreement attached by Plaintiff and the agreement attached to their motion. The Westland Defendants shall also clarify which agreement they are asking the Court to require Plaintiff to execute.

IT IS SO ORDERED.

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

Dated: June 27, 2018

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on June 27, 2018, by electronic means and/or ordinary mail.

s/Holly A. Monda

Case Manager

(810) 341-9764