

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

ROBERT E. TITUS, JR.,

Plaintiff,

vs.

Case No. 2:16-cv-10951

District Judge Gershwin A. Drain

Magistrate Judge Anthony P. Patti

OPERATING ENGINEERS'
LOCAL 324 PENSION FUND,

Defendant.

**ORDER DENYING PLAINTIFF'S OCTOBER 3, 2016 MOTION FOR
DISCOVERY REGARDING PROCEDURAL CHALLENGES
IN AN ACTION UNDER ERISA § 502(a)(1)(B) (DE 13)**

Currently before the Court is the above-described motion, regarding which a response and reply were filed. (DEs 13, 18, 21.)¹ Judge Drain referred this motion to me for hearing and determination, and an in-person hearing was noticed for February 2, 2016. (DEs 22, 26.) On January 31, 2017, the parties filed a joint statement of resolved and unresolved issues. (DE 31.)

On the date set for hearing, attorneys Lawrence J. Breskin and Daniel G. LeVan appeared. Having considered the motion, the response, the joint statement and oral argument, the motion is **DENIED** for the reasons stated on the record, all of which are incorporated by this reference as though fully restated herein.

¹ By separate order, the Court is directing the Clerk of the Court to strike Plaintiff's reply.

IT IS SO ORDERED.

Dated: February 3, 2017

s/Anthony P. Patti
ANTHONY P. PATTI
U.S. MAGISTRATE JUDGE