

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

STATE FARM MUTUAL
AUTOMOBILE INSURANCE
COMPANY,

Plaintiff,

Case No. 2:16-cv-13040
District Judge Avern Cohn
Magistrate Judge Anthony P. Patti

v.

ELITE HEALTH CENTERS, INC.,
ELITE CHIROPRACTIC, P.C.,
ELITE REHABILITATION, INC.,
MIDWEST MEDICAL
ASSOCIATES, INC., PURE
REHABILITATION, INC., DEREK
L. BITTNER, D.C., P.C., MARK A.
RADOM, DEREK LAWRENCE
BITTNER, D.C., RYAN MATTHEW
LUKOWSKI, D.C., MICHAEL P.
DRAPLIN, D.C., NOEL H. UPFALL,
D.O., MARK J. JUSKA, M.D.,
SUPERIOR DIAGNOSTICS, INC.,
CHINTAN DESAI, M.D., MICHAEL
J. PALEY, M.D., DEARBORN
CENTER FOR PHYSICAL
THERAPY, L.L.C., MICHIGAN
CENTER FOR PHYSICAL
THERAPY, INC., and JAYSON
ROSETT

Defendants.

**INTERIM ORDER REGARDING STATE FARM'S MAY 6, 2019 LETTER
REQUEST (DE 454), HOLDING STATE FARM'S MOTION TO COMPEL
JANET ROSENBERG TO PRODUCE DOCUMENTS RESPONSIVE TO**

**SUBPOENA (DE 341) IN ABEYANCE, AND CANCELLING MAY 10, 2019
HEARING REGARDING DE 341 ONLY**

This matter is before the Court for consideration of State Farm Mutual Automobile Insurance Company's (State Farm) May 6, 2019 letter request for an emergency telephone conference to require nonparty Janet Rosenberg to search for responsive emails and text messages before the May 10, 2019 hearing on State Farm's motion to compel her to produce documents responsive to subpoena (DE 341). (DEs 454, 458.) A telephone status conference was held regarding this letter request and State Farm's motion on May 8, 2019, at which the Court entertained oral argument.

Upon consideration of the letter request and oral argument, and for all of the reasons stated on the record by the Court, which are hereby incorporated by reference as though fully restated herein, State Farm's motion to compel nonparty Janet Rosenberg to produce documents responsive to subpoena (DE 341) is **HELD IN ABEYANCE**. Nonparty Janet Rosenberg is **ORDERED** to complete and submit the online Google (or Gmail) form(s) for the two "deactivated" email accounts identified on the record (jlynnrosenberg@gmail.com and janjanrose911@gmail.com) **on or before May 17, 2019**, requesting to recover or restore those two accounts. Counsel for State Farm and Rosenberg are thereafter directed to confer as to the results of that request and then seek a conference to

inform the Court as to whether State Farm intends to go forward with its motion to compel (DE 341). The hearing on State Farm's motion to compel (DE 341) currently scheduled for **May 10, 2019 at 1:30 p.m.** is **CANCELLED.**

IT IS SO ORDERED.

Dated: May 9, 2019

s/*Anthony P. Patti*

Anthony P. Patti
UNITED STATES MAGISTRATE JUDGE

Certificate of Service

I hereby certify that a copy of the foregoing document was sent to parties of record on May 9, 2019, electronically and/or by U.S. Mail.

s/Michael Williams

Case Manager for the
Honorable Anthony P. Patti