

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.

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**ORDER DENYING STATE FARM’S LETTER REQUEST TO FILE A
MOTION TO STAY THE CASE (DE 514), EXTENDING THE DISCOVERY
DEADLINE FOR DEPOSITIONS ONLY, AND ADJUSTING THE
REMAINING SCHEDULING ORDER DATES ACCORDINGLY**

This matter is before the Court for consideration of Plaintiff State Farm Mutual Automobile Insurance Company's ("State Farm's") June 20, 2019 letter request to move to stay the case pending: (1) a ruling on its motion to compel non-party Michael Morse's response to subpoena; and (2) Morse's document production if the motion is granted (DE 514), and the Elite Defendants', Chintan Desai, M.D.'s and Michael J. Paley, M.D.'s letter responses in opposition (DEs 519, 521, 524). On July 3, 2019, the Court held a telephone conference with counsel for the parties and non-party Michael Morse to address the letter requests.

State Farm requests leave to move to stay the case, stating that the parties are scheduling 18 depositions to occur before the current August 30, 2019 discovery deadline, including the depositions of four defendants, non-party Morse, and two employees of the Mike Morse Law Firm, but that it wants Morse's documents before taking those depositions. (DE 514.) State Farm also seeks a stay to allow it to consider whether to add parties (presumably Morse) to the case based on documents produced by Morse. (*Id.*) The Elite Defendants and Defendants Desai and Paley strongly oppose State Farm's request, contending that Morse's document production is not relevant to the issues and claims in this case and that adding Morse or any other person as a party "cannot seriously be entertained by the Court after nearly three years of litigation." (DEs 519, 521, 524.)

Upon consideration of the letter requests and the July 3rd telephone conference with counsel for the parties and non-party Morse, State Farm's letter request for leave to move to stay the case is **DENIED**, as the Court recently issued its opinion and order granting in part and denying in part State Farm's motion to compel Michael Morse to produce documents responsive to subpoena, and ordering production of responsive documents within 30 days (DE 535). Accordingly, a stay of the case is unnecessary. Rather, to address the parties' competing concerns, the Court will extend the fact discovery deadline, currently set for August 30, 2019, an additional 60 days for the limited purpose of taking depositions only, to **October 29, 2019**. That extension should allow sufficient time for the production and review of responsive documents by Morse, even if that production is temporarily delayed pending an objection to my order. Between the Court's recently issued order on the motion to compel Michael Morse (DE 535) and the 60 day extension given herein for depositions and other deadlines, the bases of the letter request to seek a stay are essentially moot. The remaining scheduling order deadlines otherwise remain as set in DE 410, unless adjusted as set forth below:

Event	Deadline/Date
Fact Discovery (to take depositions only)	October 29, 2019

Plaintiff Expert Reports	December 2, 2019
Defendants Expert Reports	December 31, 2019
Rebuttal Expert Reports	January 16, 2020
Status/Settlement Conference	TBD
Expert Depositions	February 18, 2020
Motions Relating to Experts	March 18, 2020
Dispositive Motions	March 16, 2020
Final Pretrial Conference	April 28, 2020 at 2:00 p.m.
Trial	April/May 2020

IT IS SO ORDERED.

Dated: July 8, 2019

s/Anthony P. Patti

Anthony P. Patti
UNITED STATES MAGISTRATE JUDGE