

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.

**ORDER DENYING WITHOUT PREJUDICE VARIOUS MOTIONS**  
**(ECF Nos. 496, 497, 532, 533, 582)**

All discovery matters have been referred to me for hearing and determination. (ECF No. 229.) Currently before the Undersigned for consideration are: **(1)** State Farm Mutual’s June 3, 2019 Motion To Compel Mark Radom To Produce Documents Withheld As Privileged In Response To Subpoena To Giarmarco, Mullins & Horton, P.C. (ECF No. 496); **(2)** State Farm Mutual’s June 3, 2019 Motion To File Documents Under Seal (ECF No. 497); **(3)** State Farm Mutual’s July 1, 2019 Motion For Sanctions Against The Elite Defendants (ECF No. 532); **(4)** State Farm Mutual’s July 1, 2019 Motion To File Documents Under Seal (ECF No. 533); and **(5)** Defendant Chintan Desai M.D.’s July 30, 2019 Motion And Supporting Brief To Compel Plaintiff To Respond To Desai’s May 14, June 1, And June 5, 2019 Requests For Production Of Documents (ECF No. 582).

At various points, these motions were noticed for hearing. (*See, e.g.*, ECF Nos. 576, 604, 617, 620.) However, on October 30, 2019, the Court was informed that “[t]he parties have reached a tentative settlement agreement, and counsel are working on documenting this agreement.” (ECF No. 626 ¶ 4.) This same representation was again made on November 26, 2019. (ECF No. 632 ¶ 4.) Given the age of these motions, the posture of this case, and the Court’s desire to manage its docket, the motions (ECF Nos. 496, 497, 532, 533, 582) are **DENIED**

**WITHOUT PREJUDICE.** The movants may re-file these motions in the event the settlement agreement does not materialize.

**IT IS SO ORDERED.**

Dated: November 27, 2019

s/*Anthony P. Patti*

Anthony P. Patti

UNITED STATES MAGISTRATE JUDGE