

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DENISE DUPRIE,

Plaintiff

v.

Case No. 2:16-13544

District Judge Laurie Michelson

Magistrate Judge Anthony P. Patti

ECS PARTNERSHIP

Defendant.

ORDER GRANTING PLAINTIFF'S MOTION TO STAY DISCOVERY
(DE 20)

All pretrial matters having been referred to me by Judge Michelson (DE 4), on November 17, 2016 I issued a notice that a scheduling conference would be held on December 19, 2016. (DE 18.) On November 24, 2016, *pro se* Plaintiff filed a motion to stay discovery pending resolution of her then-forthcoming motion for summary judgment. (DE 20.) On November 28, 2016, Plaintiff filed a motion for summary judgment. (DE 22.) The next day I issued an order setting an expedited briefing schedule on the motion to stay discovery. (DE 23.) That order also notified the parties that the motion to stay would be heard on the same date/time as the scheduling conference. (*Id.*)

Because the parties were unable to agree on a joint discovery plan, Defendant filed its proposed plan on December 8, 2015. (DE 25.) That same date,

Defendant filed its response in opposition to Plaintiff's motion to stay discovery. (DE 26.) Plaintiff filed a proposed discovery plan on December 12, 2016. (DE 27.) Plaintiff did not file a reply in support of her motion to stay discovery, and the December 15, 2016 deadline for doing so has expired. On the date set for hearing, Plaintiff appeared on her own behalf, and attorney William Thomas appeared on behalf of Defendant.¹

Consistent with my findings and reasoning stated on the record, which are hereby incorporated in this order as though restated herein, Plaintiff's November 24, 2016 motion to stay discovery pending resolution of her motion for summary judgment (DE 20) is **GRANTED**, albeit for reasons not stated in the motion. Though Plaintiff asserted as grounds for the stay her desire to avoid incurring discovery costs and inconveniences, the Court explained that there are costs and inconveniences inherent in engaging in litigation and Plaintiff's *pro se* status does not excuse her from incurring those costs. However, after having had the opportunity to observe Plaintiff, the Court concludes that her difficulties, including, *inter alia*, not being able to read or write, mean she would greatly benefit from the assistance of counsel. Consequently, discovery is temporarily

¹ Jean Manz accompanied Plaintiff to the hearing and assisted her in explaining to the Court what efforts have been made to find her counsel. However, as the Court explained at length to Plaintiff and Ms. Manz, though Plaintiff suffers from physical and/or mental difficulties, no one has been appointed as her legal guardian. Thus, neither Ms. Manz nor any attorney who has not entered an appearance on Plaintiff's behalf may act as her legal advocate in this Court.

stayed in order to afford Plaintiff additional time to seek counsel, albeit not necessarily until Plaintiff's motion for summary judgment is decided.

A status conference call shall be held on January 25, 2017 at 10:00 a.m., prior to which no discovery shall occur. The Court strongly encourages Plaintiff to seek counsel as soon as possible. If Plaintiff obtains counsel prior to January 25, counsel shall enter an appearance and participate in the conference call. A deadline for filing a reply brief regarding Plaintiff's motion for summary judgment will be set during the conference call, Defendant's response having already been received. (DE 29.) In light of the stay, the Court deferred discussion of an overall case management scheduling order, which may be considered during the conference call.

IT IS SO ORDERED.

Dated: December 22, 2016

s/Anthony P. Patti
Anthony P. Patti
UNITED STATES MAGISTRATE JUDGE

I hereby certify that a copy of the foregoing document sent to parties of record on December 22, 2016, electronically and/or by U.S. Mail.

s/Michael Williams
Case Manager