

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

LOTUS INDUSTRIES LLC,

Plaintiff,

v.

DETROIT ECONOMIC GROWTH
CORPORATION, *et al.*,

Defendants.

Case No. 16-14112

Honorable Laurie J. Michelson

Magistrate Judge Anthony P. Patti

ORDER REGARDING DISCOVERY SANCTION RULING

This matter is before the Court on a telephone inquiry from counsel for Defendants DDA and DEGC. Because the Court does not engage in *ex parte* communication with counsel, it enters the following Order on the oral inquiry.

On October 9, 2018, the Court entered an Opinion and Order Granting in Part and Denying in Part Defendant DDA's Motion to Dismiss as a discovery sanction. (R. 201.) To the extent the DDA seeks a modification of that order or Defendant DEGC seeks to be included, those requests are DENIED.

More specifically, it was not an oversight to exclude the DEGC from the Court's Order. The DEGC was not a party to the motion. The only moving party was the DDA. (R. 189.) Motions are filed on behalf of parties, not law firms. The title of the motion is "City of Detroit Downtown Development Authority's Motion for (1) Dismissal of the Individual Plaintiffs' Claims with Prejudice and (2) A finding of Civil Contempt." The first sentence of the motion is, "Now comes Defendant City of Detroit Downtown Development Authority, by its counsel, Kotz Sangster Wysocki P.C. . . ." And the relief requested is "WHEREFORE, Defendant City of

Detroit Downtown Development Authority respectfully requests that” No other defendant moved. No other defendant joined in the motion. And no other defendant sought the relief requested. The arguments raised in the motion also pertained to the DDA. For example, the monetary sanctions award, which factored prominently in the Court’s ruling, only pertained to the DDA and would not be a basis for any other defendant to seek a like discovery sanction.

IT IS SO ORDERED.

s/Laurie J. Michelson
LAURIE J. MICHELSON
UNITED STATES DISTRICT JUDGE

Dated: October 12, 2018

I hereby certify that a copy of the foregoing document was served upon counsel of record and/or pro se parties on this date, October 12, 2018, by electronic and/or ordinary mail.

s/William Barkholz
Case Manager