

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

FARRAND PAGE,

Plaintiff,

No. 17-10439

v.

District Judge Sean F. Cox
Magistrate Judge R. Steven Whalen

DTE ENERGY,

Defendant.

ORDER

Plaintiff Farrand Page, who is proceeding without counsel, has filed a motion to compel discovery [Doc. #9]. On June 6, 2017, the Court sent Mr. Page a Notice that the hearing on his motion would be held on June 27, 2017 at 10:00 a.m. [Doc. #12]. The Notice also instructed Mr. Page and counsel for the Defendant to meet and confer prior to the hearing date and attempt to resolve the discovery issues. The undersigned Magistrate Judge received a letter from Mr. Page, postmarked June 19, 2017, in which Mr. Page references the Order setting a hearing date and requiring a pre-hearing conference.

Counsel for Defendant appeared for the June 27th hearing. Mr. Page did not. My courtroom deputy telephoned Mr. Page, informing him that the Court was prepared to go forward with the hearing on his motion, and would permit him to appear by telephone. Mr. Page responded that he “had another appointment,” and was therefore not willing to go forward with the hearing.

Given his statements in his June 20, 2017 letter, Mr. Page clearly had notice of the scheduled hearing. His failure to appear at the hearing on his own motion, and his refusal of the Court’s generous offer to allow him to argue telephonically, constitutes an

abandonment of the relief he requests in the motion.

In any event, I also note that he participated in a Michigan Public Service Commission (“MPSC”) hearing, in the course of which he obtained from Defendant DTE Energy much of the factual information he seeks in the present discovery motion.

Plaintiff’s motion to compel discovery [Doc. #9] is DENIED.

IT IS SO ORDERED.

s/R. Steven Whalen
R. STEVEN WHALEN
UNITED STATES MAGISTRATE JUDGE

Dated: June 27, 2017

CERTIFICATE OF SERVICE

I hereby certify on June 21, 2017 that I electronically filed the foregoing paper with the Clerk of the Court sending notification of such filing to all counsel registered electronically. I hereby certify that a copy of this paper was mailed to non-registered ECF participants June 27, 2017.

s/Carolyn M. Ciesla
Case Manager for the
Honorable R. Steven Whalen