UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

LESLEE GRINNELL, Plaintiff, v. CITY OF TAYLOR, TAYLOR POLICE OFFICER A, TAYLOR POLICE OFFICER B, TAYLOR POLICE OFFICER C, TAYLOR POLICE OFFICER D, Defendants.	Case No. 17-11354 Honorable Laurie J. Michelson Magistrate Judge Mona K. Majzoub

ORDER GRANTING IN PART AND DENYING IN PART DEFENDANTS' MOTION FOR SUMMARY JUDGMENT [26]

Leslee Grinnell filed his complaint on April 27, 2017 stemming from an arrest by City of Taylor police officers that resulted in Grinnell being injured. (ECF No. 1.) Because Grinnell did not know who the involved officers were, he named John Does. (*See id.*) From the time the complaint was filed, Grinnell's counsel gave defense counsel numerous extensions to answer the complaint and discovery requests. These extensions were given as professional courtesies due to several tragic deaths in defense counsel's family. As a result, the statute of limitations on Grinnell's claims lapsed before he amended the complaint to identify the John Does.

So Defendants moved for summary judgment based upon the expiration of the statute of limitations. (ECF No. 26.) The motion is fully briefed (ECF No. 26, 27, 29) and the Court heard oral argument on December 21, 2018.

IT IS HEREBY ORDERED, for the reasons set forth more fully on the record during the Court's oral ruling, that Defendants' motion for summary judgment (ECF No. 26) is GRANTED

IN PART and DENIED IN PART. Grinnell's excessive-use-of-force and related *Monell* claims will be equitably tolled. Grinnell's malicious-prosecution claim will not.

IT IS FURTHER ORDERED that Grinnell will be permitted to depose Officer Carroll and one other Rule 30(b)(6) witness (the witness other than or in addition to Officer Carroll that is most knowledgeable about the incident resulting in the excessive force claims). Defendants will be required to supplement their discovery responses to provide a complete response to Plaintiff's Interrogatory Number 3(c) within 30 days of the entry of this Order. Plaintiff will have 14 days to file an amended complaint following the completion of the last deposition. After the amended complaint has been filed, the Court will issue a trial scheduling order.

IT IS SO ORDERED.

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

Date: December 21, 2018

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was served upon counsel of record and/or pro se parties on this date, December 21, 2018, using the Electronic Court Filing system and/or first-class U.S. mail.

s/William Barkholz
Case Manager