

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

KENNETH ROBERSON,

Plaintiff,

No. 17-13166

v.

District Judge Paul D. Borman  
Magistrate Judge R. Steven Whalen

NORFOLK SOUTHERN RAILWAY  
CO.,

Defendant.

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**ORDER**

For the reasons and under the terms stated on the record on November 15, 2018, Plaintiff's Motion to Compel Discovery and to Extend Close of Discovery [Doc. #15] is GRANTED.

A number of the disputed issues were resolved before the hearing on November 15, 2018. The Court orders as follows regarding the issues set forth in the parties' Joint List of Unresolved Issues [Doc. #22].

Defendant will provide responses to Interrogatory No. 3 with respect to Mike Grace and B. Stanley.

As to Interrogatory No. 13, specifically subparts (f)( and (g), and Request for Production No. 4, Defendant will undertake a diligent and good-faith search for responsive documents/information, and will produce any responsive material that is located. If there is no responsive material within Defendant's custody or control, Defendant will produce to Plaintiff an affidavit so indicating, and also indicating what was done in an effort to locate responsive material.

As to Defendant's Rule 30(b)(6) witness regarding Topics 3 and 7, Defendant's witness, Mr. Myrick, will produce a sworn statement to the effect that Defendant has no witness who could testify as to these topics, and that Defendant has no responsive documents other than those previously produced.

Defendant will produce the above material no later than November 29, 2018.

The discovery cut-off date is extended to January 2, 2019.

IT IS SO ORDERED.

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

Dated: November 25, 2018

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**CERTIFICATE OF SERVICE**

I hereby certify on November 25, 2018, 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 on November 25, 2018.

s/Carolyn Ciesla  
Case Manager to  
Magistrate Judge R. Steven Whalen