

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

LOTUS INDUSTRIES, LLC,
et al.,

Plaintiffs,

v.

DENNIS ARCHER, Jr., et al.

Defendants.

Case No. 2:17-cv-13482
District Judge Sean F. Cox
Magistrate Judge Anthony P. Patti

**ORDER AMENDING THE SCHEDULING ORDER, IN PART (DE 118),
AND DENYING PLAINTIFF'S LETTER REQUEST TO FILE A MOTION
TO EXTEND THE DISCOVERY DEADLINE (DE 140) AS MOOT**

I. Background

On March 27, 2019, the Court entered an order granting in part and denying in part Plaintiff's motion to compel production of documents requested in his September 13, 2018 subpoena to nonparty City of Detroit Downtown Development Authority (DDA), and ordered DDA to produce documents responsive to Request Nos. 4-6 of Plaintiff's subpoena for the November 19, 2016 to present time period. (DE 119.) Nonparty DDA subsequently filed a motion for protective order, seeking an extension of time to produce responsive documents and requesting that Plaintiff pay DDA its share of the expenses of production before DDA is obligated

to undertake further efforts to comply with the Court's March 27, 2019 Order. (DE 124).

On May 24, 2019, the Court entered an Order granting in part, and denying in part without prejudice, nonparty DDA's motion for protective order in connection with the Court's order granting in part and denying in part Plaintiff's motion to compel. (DE 139.) The Order provides that Plaintiff must pay to nonparty DDA the sum of \$4,360.25 as a share of the costs of production of documents responsive to Plaintiff's subpoena, and that, once paid, DDA shall have 45 days from that date to produce responsive documents and a privilege log for any documents withheld on the basis of privilege. (*Id.*) The Order further provides that if Plaintiff pays the full amount ordered, the Court will extend the discovery deadline by 45 days from that date. (*Id.*) On June 4, 2019, Plaintiff filed a proof of satisfaction of the Court's Order, certifying that, on June 3, 2019, he timely delivered the required payment. (DE 143.)

On May 28, 2019, Plaintiff submitted a letter request to file a motion requesting a 60-day extension to complete discovery. (DE 140.) Plaintiff complains that he has been unable to depose Defendant Dennis Archer Jr., and that Defendant Archer has only recently produced "*some* (not all) of the documents the Court ordered [him] to produce on or before May 15, 2019." (*Id.* (emphasis in original).) Defendant Archer responded on June 3, 2019 that he does not oppose

Plaintiff's request for an additional 60 days to complete discovery "for the limited purpose of scheduling and concluding depositions." (DE 142.)

II. Order

Upon consideration of the above, the Court amends the scheduling order (DE 118), in part, and implements the following revised deadlines:

- 1. Nonparty DDA's Production of Documents:** Nonparty DDA shall produce documents responsive to Request Nos. 4-6 in Plaintiff's September 13, 2018 subpoena to DDA, for the November 19, 2016 to present time period, and produce a privilege log for any documents withheld on the basis of privilege, by **July 18, 2019**.
- 2. Discovery:** The discovery deadline is extended by an additional 60 days to **August 13, 2019** for depositions only. No additional interrogatories, requests to admit, document requests, inspections or non-party subpoenas will be permitted after **June 14, 2019**, the most recent discovery cut-off. The parties are directed to carefully read my practice guidelines on "Discovery and Discovery Motions," which are available on the Court's website, the provisions of which are binding.
- 3. Dispositive Motions:** Dispositive motions are due by **September 12, 2019**.

4. The Court's Scheduling Order (DE 118), including, but not limited to, the Final Pretrial date, otherwise remains intact.

In light of the above amended scheduling order dates, Plaintiff's letter request (DE 140) is **DENIED AS MOOT**.

IT IS SO ORDERED.

Dated: June 6, 2019

s/*Anthony P. Patti*

Anthony P. Patti
UNITED STATES MAGISTRATE JUDGE

Certificate of Service

I hereby certify that a copy of the foregoing document was sent to parties of record on June 6, 2019, electronically and/or by U.S. Mail.

s/Michael Williams

Case Manager for the
Honorable Anthony P. Patti