

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

F I L E D
JUN 17 2019
CLERK'S OFFICE
DETROIT

TARA EDWARDS,

Case No. 18-10735

Plaintiff,

Paul D. Borman
U.S. District Judge

v.

SCRIPPS MEDIA, INC., d/b/a
WXYZ-TV, a Foreign Profit Corp.

Elizabeth A. Stafford
U.S. Magistrate Judge

Defendant.

ORDER DENYING “PLAINTIFF’S OBJECTION TO MAGISTRATE’S ORDER
(D.E. 47) DENYING PLAINTIFF’S MOTION TO COMPEL COMPARATOR
EVIDENCE AND INCORPORATED MEMORANDUM OF LAW” (ECF #78)

On November 15, 2018, Magistrate Judge Elizabeth A. Stafford issued an
“Opinion and Order Regarding Motions to Compel [ECF Nos. 23, 31].” In that Opinion,
Judge Stafford stated:

Plaintiff’s request for “comparator” evidence – documents
(including employee personnel files) concerning other
complaints, investigations or inquiries about sexual
harassment, sexual misconduct, discrimination or retaliation
of any employee of defendant – is denied. Comparator
evidence is relevant when a plaintiff claims that she has been
treated differently than a similarly situated person outside of
her protected class. See, e.g. *McMillan v. Castro*, 405 F.3d.
405, 413 (6th Cir. 2005); *Bobo v. United Parcel Service, Inc.*,
665 F.3d 741, 753 (6th Cir. 2012). As noted previously,
plaintiff does not make that claim here.

ECF #47, Nov. 15, 2018, PgID 1617-18. (emphasis added).

The conclusion of the Magistrate Judge's Opinion and Order Regarding Motions to Compel stated:

NOTICE TO PARTIES REGARDING OBJECTIONS

The parties attention is drawn to Fed. R. Civ. P.72(a), which provides a period of 14 days from the date of receipt of a copy of this order within which to file objections for consideration by the district judge under 28 U.S.C. §636(b)(1).

ECF #47, Nov. 15, 2018, Pg. 12, PgID 1619.


Federal Rule of Civil Procedure 72(a) states in pertinent part: "A party may not assign as error a defect in the order not timely objected to."

Plaintiff's objections were due on November 29, 2018. Plaintiff did not file the instant objection until January 4, 2019 – 36 days after the Opinion and Order, and 22 days after an objection was due.

Accordingly, the Court DENIES Plaintiff's untimely objections to the Magistrate Judge's Order of November 15, 2018, that clearly and cogently denied Plaintiff's request for "comparator" evidence. ECF #47, Nov. 15, 2018, PgID 1617-18.

SO ORDERED.

DATED: June 17, 2019



PAUL D. BORMAN
UNITED STATES DISTRICT JUDGE