

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

PETER SHEFMAN,

Plaintiff,

v.

Case No. 2:18-cv-11477

District Judge David M. Lawson

Magistrate Judge Anthony P. Patti

AMERICAN AIRLINES, INC.,

Defendant.

**ORDER DENYING WITHOUT PREJUDICE PLAINTIFF'S MOTION TO
EXTEND SCHEDULING DATES (DE 49) and SETTING BRIEFING
SCHEDULE FOR DEFENDANT'S MOTION TO DISMISS (DE 59)**

The Court's August 30, 2018 scheduling order sets a March 29, 2019 discovery cutoff. (DE 21.) Currently before the Court are two motions: (1) Plaintiff's January 23, 2019 motion to extend scheduling dates due to Plaintiff's medical condition and proceeding *in pro per* (DE 49), regarding which Defendant has filed an opposition (DE 52); and, (2) Defendant's February 26, 2019 motion to dismiss (DE 59), wherein Defendant argues that Plaintiff failed to comply with the Court's February 7, 2019 order (DE 55), failed to comply with the Court's August 30, 2018 scheduling order (DE 21), and also has failed to prosecute his case.

Judge Lawson has referred this case to me for screening and general case management. (DE 51.) The Court noticed a telephonic status conference for February 26, 2019, at which Plaintiff appeared on his own behalf and attorneys

Scott R. Torpey and Justin M. Schmidt appeared on behalf of the Defendant. (*See* DE 55 at 3, DE 56.) For the reasons stated on the record, all of which are incorporated herein by reference, Plaintiff’s motion to extend scheduling dates (DE 49) is **DENIED WITHOUT PREJUDICE**. Should the Court deny (or deny in part) Defendant’s pending motion to dismiss (DE 59), Plaintiff may refile his request for an extension of dates or the Court may address that issue *sua sponte*. Meanwhile, Plaintiff’s response to Defendant’s motion to dismiss (DE 59) is due on or before **Monday, March 25, 2019**, and Defendant’s reply is due on or before **Monday, April 8, 2019**. Importantly, the parties’ attention is drawn to: (a) the Federal Rules of Civil Procedure, particularly Fed. R. Civ. P. 37(b)(2) (“*Sanctions Sought in the District Where the Action Is Pending.*”) and Fed. R. Civ. P. 41(b) (“*Involuntary Dismissal; Effect.*”); (b) the Local Rules of the E.D. Mich., particularly E.D. Mich. LR 5.1 (“*Filing of Papers*”) and E.D. Mich. LR 7.1 (“*Motion Practice*”); and (c) the Undersigned’s Practice Guidelines, which provide in part:

The Court adheres to E.D. Mich LR 5.1 and 7.1 regarding format, length, and form of motions and briefs, and the type of briefs required and permitted. *Additional briefing, including sur-replies, will NOT be permitted unless requested by the Court. The Court will strike any improperly filed sur-replies or other briefing not contemplated by the Local Rules.* In addition, all briefs must contain an index of exhibits, and the Court requires a table of contents for briefs over ten pages.

(*See* www.mied.uscourts.gov (emphasis added)).

IT IS SO ORDERED.

Dated: February 27, 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 February 27, 2019, electronically and/or by U.S. Mail.

s/Michael Williams

Case Manager for the
Honorable Anthony P. Patti