

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CORY WOOLLARD,

Plaintiff,

Case No. 18-cv-11529

v.

Paul D. Borman
United States District Judge

Anthony P. Patti
United States Magistrate Judge

CORIZON HEALTH, INC.,
RICHARD HARBAUGH, R.
COLEMAN, SUBRINA AIKENS,
MARY GRENIER, ROSILYN JINDAL
JANET CAMPBELL, *et. al*,

Defendants.

**ORDER: (1) ADOPTING MAGISTRATE JUDGE'S REPORT AND
RECOMMENDATION (ECF #41); AND (2) DENYING AS MOOT FOUR
OF DEFENDANTS' DISPOSITIVE MOTIONS (ECF #s 16, 20, 24, and 34)**

Now before the Court is the November 19, 2018 Report and Recommendation (ECF #41) of Magistrate Judge Anthony P. Patti recommending that the Court deny as moot Defendants Campbell and Coleman's August 27, 2018 Motion for Summary Judgment (ECF #16), Defendant Harbaugh's August 27, 2018 Motion for Summary Judgment (ECF #20), Defendants Corizon Health, Inc. ("Corizon"), Coleman, Greiner and Jindal's September 4, 2018 Motion to Dismiss (ECF #24), and

Defendant Aikens' October 17, 2018 Motion to Dismiss (ECF #34.) The Magistrate Judge stated that he would address Defendant Corizon's September 29, 2018 Motion to Dismiss Plaintiff's Amended Complaint (ECF #29) and Defendants Campbell and Harbaugh's October 1, 2018 Motion for Summary Judgment (ECF #30) under separate cover. No objections were filed to the Report and Recommendation.

Having reviewed the Report and Recommendation and there being no timely objections under 28 U.S.C. § 636(b)(1) and E.D. Mich L.R. 72.1(b), the Court ADOPTS the Magistrate Judge's Report and Recommendation (ECF #41), and DENIES AS MOOT Defendants' Dispositive Motions listed above (ECF #s 16, 20, 24, and 34).

The Court notes that, on November 19, 2018 (the same day that the Report and Recommendation was issued), Plaintiff filed a Motion to Hold in Abeyance the Ruling on Defendant Harbaugh's Motion for Summary Judgment, referring to ECF Numbers 30, 34, and 39. (ECF #42.) The Magistrate Judge properly interpreted Plaintiff's Motion as a request to hold ECF Number 30 (Defendants Harbaugh and Campbell's October 1, 2018 Motion for Summary Judgment) in abeyance, as ECF Number 34 is a motion by Defendant Aikens, and ECF Number 39 is Harbaugh's October 30, 2018 Reply in support of his October 1, 2018 Motion. The Magistrate Judge granted Plaintiff's request to hold its ruling on Defendants Harbaugh and Campbell's Motion (ECF #30) in abeyance until additional discovery was completed

to determine the proper party defendants.¹ (ECF #43.) Therefore, Defendant Aikens' October 17, 2018 Motion to Dismiss (ECF #34) remains denied as moot.

IT IS SO ORDERED.

Dated: March 18, 2019

s/Paul D. Borman
Paul D. Borman
United States District Judge

¹ The additional discovery has been completed, and Plaintiff filed a Motion for Leave to File a Second Amended Complaint on December 27, 2018. (ECF #44.) Defendants Aikens, Campbell and Harbaugh have filed their Objection (Jan. 7, 2019, ECF #45), and Plaintiff has filed a Response (Feb. 7, 2019, ECF #47).