

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ENGLANTINA GJELAJ, as Personal
Representative of the Estate of ALFRED
PASHKO SHQUTAJ,

Plaintiff,

Case No. 18-11709
Hon. Denise Page Hood

v.

SEVEN BROTHERS PAINTING, INC.,
G.B.S. SCAFFOLDING SERVICE, CORP.,
and 7 BROTHERS CONTRACTING, LLC,

Defendants.

ORDER DENYING WITHOUT PREJUDICE
PLAINTIFF'S MOTION FOR PARTIAL
SUMMARY JUDGMENT [ECF No. 105]

Plaintiff has filed a Motion for Partial Summary Judgment against Defendant Seven Brothers Painting, Inc. ECF No. 105. The Motion for Partial Summary Judgment was fully briefed, and a hearing on it was held on April 24, 2019. At the conclusion of the April 24, 2019 hearing, the Court: (a) continued the matter until June 18, 2019; (b) permitted limited ESI discovery; and (c) allowed the parties to file supplemental briefs on or before June 11, 2019. Each party filed a supplemental brief, and the Court held a hearing on June 18, 2019. In the interim, Plaintiff filed an Emergency Motion for ESI Discovery Sanctions; ESI Spoliation Sanction; Ex-Parte Retained Expert Communication Sanctions; Protective Order; and Award Attorney

Fees and Costs Sanctions (“Motion for Sanctions”). ECF No. 140.

In its Motion for Partial Summary Judgment, Plaintiff asks the Court to rule, as a matter of law, whether Alfred Shqutaj was an employee of Seven Brothers Painting, Inc. Despite the parties’ extensive briefing of the Motion for Partial Summary Judgment and the Motion for Sanctions, the Court finds that there is not sufficient evidence regarding Plaintiff’s employment status and that certain additional discovery is necessary. For those reasons, the Court denies without prejudice Plaintiff’s Motion for Partial Summary Judgment pending the completion of discovery, including the third party expert’s review to be conducted pursuant to this Court’s Order Holding in Abeyance Plaintiff’s Motion for Sanctions. *See* ECF No. 158. Upon the completion of discovery or such earlier time as the Court may order, Plaintiff may refile a motion for (partial) summary judgment.

Accordingly,

IT IS ORDERED that Plaintiff’s Motion for Partial Summary Judgment [ECF No. 105] is DENIED WITHOUT PREJUDICE.

IT IS SO ORDERED.

s/Denise Page Hood
United States District Court Judge

Date: September 25, 2019