

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ROBERT SCOTT PATTERSON,

Plaintiff,

Case No. 11-15317
HON. GERSHWIN A. DRAIN

vs.

MICHAEL BAUMHAFT, *et al.*,

Defendants.

ORDER

On October 22, 2012, the parties appeared for a status conference in this matter. At that time, the parties advised the Court that Defendant Baumhaft had recently initiated Chapter 7 bankruptcy proceedings resulting in an automatic stay as to Defendant Baumhaft pursuant to 11 U.S.C. § 362(a)(1). The parties also indicated that Defendants Midwest Express Funding and Universal Homes LLC had been out of business and without assets for several years. Accordingly, the Court advised the Plaintiff's counsel to determine how he wished to proceed in this matter, and set a settlement conference for November 6, 2012. It was anticipated that the parties would have resolved the outstanding issue relative to the defunct corporate defendants prior to appearing for the settlement conference.

Thereafter, the Court's clerk sent notice to both counsel of record indicating that a short settlement statement was to be sent to the Court no later than noon on Monday,

November 5, 2012. Plaintiff's counsel failed to submit a settlement conference statement. Plaintiff's counsel also failed to appear for the settlement conference. Rather, counsel sent a colleague, who is not an attorney of record in this matter, to the conference.

At the settlement conference, the parties advised the Court of their plan relative to the defunct corporate entities. Accordingly, counsel for the defunct corporate defendants shall withdraw the Answer filed on their behalf no later than November 6, 2012. Plaintiff's counsel shall request a clerk's entry of default no later than November 13, 2012. Plaintiff's counsel shall move for default judgment against the corporate defendants no later than November 20, 2012. The Court will schedule a hearing on Plaintiff's motion for default judgment and Plaintiff's counsel shall appear for the hearing. Failure of Plaintiff's counsel to abide by any portion of this Order shall result in dismissal of the corporate defendants with prejudice.

SO ORDERED.

/s/ Gershwin A. Drain
GERSHWIN A. DRAIN
UNITED STATES DISTRICT JUDGE

<p style="text-align: center;">CERTIFICATE OF SERVICE</p> <p style="text-align: center;">Copies of this Order were served upon attorneys of record on November 6, 2012, by electronic mail.</p> <p style="text-align: center;"><u>/S/ Tanya Bankston</u> Deputy Clerk</p>
