

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

RITA SHABA,

Plaintiff,

CIV. NO. 13-10690

v.

HON. TERRENCE G. BERG

ALLSTATE INDEMNITY CO.,

HON. LAURIE J. MICHELSON

Defendant.

**ORDER GRANTING DEFENDANT'S MOTION TO
COMPEL NONPARTY ROBERT SHABA TO PRODUCE
DOCUMENTS AND TESTIFY AT A DEPOSITION (DKT. 13)**

This case involves a claim for fire insurance proceeds. Plaintiff Rita Shaba ("Plaintiff") owns a rental property – 19385 Charest, Detroit, Michigan – that was damaged by a fire on November 24, 2012. Plaintiff's property was insured by Defendant Allstate Indemnity Company ("Defendant"). Following the fire, Plaintiff submitted an insurance claim to Defendant. Defendant denied Plaintiff's insurance claim, due to a suspicion that the fire was intentionally set by Plaintiff or by someone at Plaintiff's direction.

This matter is before the Court on Defendant's motion to compel nonparty Robert Shaba to produce documents and to give deposition testimony (Dkt. 13). Robert Shaba is Plaintiff's brother. Plaintiff testified at her deposition that her brother "managed" the rental property at issue in this case. Defendant avers that Mr. Shaba has owned or managed at least three other rental properties, that were damaged by suspicious fires. Defendant further avers that Plaintiff may be a "straw owner" of the property at issue in this case, and that Mr. Shaba was the true owner.

Defendant noticed a deposition for Mr. Shaba, which was held on June 5, 2013; Defendant did not subpoena Mr. Shaba. Defendant's deposition notice requested that Mr. Shaba produce, amongst other things, his 2009-2011 tax returns, W-2s, documents relating to any property insurance claims he submitted, documents relating to any real estate he owns, bank statements, loans and mortgages. Mr. Shaba refused to produce any documents and refused to respond to nearly every question Defendant's counsel asked him.

For the reasons stated on the record during the July 23, 2013 hearing, Defendant's motion to compel is GRANTED. Defendant is

directed to subpoena Mr. Shaba to re-request the production of the documents listed in the prior deposition notice and to schedule a second deposition of Mr. Shaba. Mr. Shaba is directed to produce the documents requested in the subpoena and to answer the questions of Defendant's counsel, subject to any privilege he may assert, including any privilege arising under the Fifth Amendment. Mr. Shaba is cautioned that, should he fail to produce the documents requested or fail to answer questions during his deposition, the Court will consider imposing sanctions.

SO ORDERED.

s/Terrence G. Berg
TERRENCE G. BERG
UNITED STATES DISTRICT JUDGE

Dated: July 23, 2013

Certificate of Service

I hereby certify that this Order was electronically submitted on July 23, 2013, using the CM/ECF system, which will send notification to each party.

s/A. Chubb
Case Manager