

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

DENNIS GARRY WHITTIE,

Plaintiff,

Case No. 14-cv-10070

Hon. Matthew F. Leitman

v.

CITY OF RIVER ROUGE, *et al.*,

Defendants.

ORDER ON MOTION HEARING

On May 14, 2019, the Court held a hearing on numerous pending motions in this action. For the reasons stated on the record at the motion hearing, **IT IS HEREBY ORDERED** as follows:

- Plaintiff's motion for clarification of the Court's ruling on his motion for summary judgment with respect to his breach of contract claim (ECF #104) and Defendants' cross-motion for clarification on that claim (ECF #106) are **DENIED WITHOUT PREJUDICE**. Both parties may file new motions for summary judgment on the breach-of-contract claim. In addition to any other arguments on the breach-of-contract issue that the parties wish to include in their motions, the parties shall specifically address the issues identified on the record by the Court at the May 14, 2019, motion hearing. The Court will not

entertain any other additional summary judgment motions on any other claim or defense.

- Defendants' motion to strike Plaintiff's unsworn declaration (ECF #105) is **DENIED**.
- Defendants' cross-motion for clarification with respect to the First Amendment claims at issue in this matter (ECF #106) is **DENIED**.
- Plaintiff's motion to compel discovery (ECF #117) and Defendants' motion to compel discovery (ECF #123) are **GRANTED IN PART AND DENIED IN PART** as follows: The City of River Rouge shall produce to Plaintiff, within 30 days, a wage schedule (or its functional equivalent) for the City's police officers, and it shall thereafter make Mr. Carl Johnson available for a two-hour deposition. At that deposition, Plaintiff may only direct questions to Mr. Johnson that relate to the wages earned by City of River Rouge police officers. In addition, Plaintiff shall, by no later than **May 17, 2019**, execute any and all medical-record authorization forms tendered to him by Defendants' counsel. Plaintiff shall also, by no later than **June 14, 2019**, provide full and fair responses to the discovery requests identified in Defendants' motion to compel (ECF #123). Finally, by no later than **July 15, 2019**, Plaintiff shall make himself available for

a supplemental independent medical examination conducted by Defendants' medical expert, Dr. Benedict.

- All currently-scheduled dates in this matter are **ADJOURNED**. The parties shall confer and submit to the Court's Case Manager agreed-upon dates for expert disclosures and the cutoff of expert discovery. The Court will thereafter issue a new scheduling order that includes, among other things, a new dispositive motion cutoff date for the one dispositive motion identified above that the Court will permit each party to file.

IT IS SO ORDERED.

s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

Dated: May 14, 2019

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on May 14, 2019, by electronic means and/or ordinary mail.

s/Holly A. Monda
Case Manager
(810) 341-9764