UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MICHIGAN SOUTHERN DIVISION

PAUL ZACK and JUDITH ZACK,

Plaintiffs,

v.

MCLAREN HEALTH PLAN, INC. and MCLAREN HEALTH ADVANTAGE.

Defendants.

Case No. 17-11253 Hon. Terrence G. Berg

ORDER VACATING ORDER TO SHOW CAUSE

On February 12, 2019, the Court ordered Attorney Richard W. Warren to show cause why Rule 11 sanctions should not be imposed and/or why Defendant's Response to Plaintiff's Motion to Reopen Case (ECF No. 27) should not be stricken from the record for containing incorrect assertions. ECF No. 30. Mr. Warren filed his response to the order on February 18, 2019, ECF No. 31.

Upon review, the Court finds that Mr. Warren has adequately shown cause that Rule 11 sanctions are not appropriate under all the circumstances. However, it is clear that Defendant's Response to Plaintiff's Motion to Reopen Case, ECF No. 27, nevertheless contains an inaccurate characterization of this Court's previous Order and should therefore be stricken from the record.

Accordingly, the docket entry ECF No. 27 is hereby STRICKEN. Defendant may re-file its Response—containing only well-founded assertions—within three (3) days of the date of this Order.

SO ORDERED.

Dated: February 21, 2019 s/Terrence G. Berg

TERRENCE G. BERG UNITED STATES DISTRICT JUDGE

Certificate of Service

I hereby certify that this Order was electronically filed, and the parties and/or counsel of record were served on February 21, 2019.

> s/A. Chubb Case Manager