UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DONALD ROSEBROUGH, *et al*.,

Plaintiffs,

Case No. 18-cv-10222
Hon. Matthew F. Leitman

v.

BANNUM PLACE, INC., *et al*.,

Defendants.
_____/

**ORDER GRANTING DEFENDANT'S MOTION FOR FIRST AMENDMENT OF AFFIRMATIVE DEFENSES (ECF #30)**

On January 16, 2019, Defendant Bannum Place, Inc. filed a motion to amend its affirmative defenses in this action. (*See* Mot., ECF #30.) More specifically, Bannum Place says that it recently uncovered "Hold Harmless Agreement[s]" that "potentially insulate[ it] from all or some of the claims presented in [P]laintiffs' lawsuit." (*Id.* at Pg. ID 173.) Bannum Place therefore asks the Court to allow it to amend its affirmative defenses "to add that [P]laintiffs' claims are barred by the Hold Harmless Agreement signed by each [Plaintiff]." (*Id.* at Pg. ID 174.) Plaintiffs oppose the motion on the ground that the proposed amendment is futile because the Hold Harmless Agreements are unenforceable. (*See* Resp., ECF #31.)

The Court will rule on the validity and enforceability of the Hold Harmless Agreements on summary judgment. Accordingly, the Court will **GRANT** Bannum Place's motion to amend its affirmative defenses. The Court takes no position, at this time, as to the viability of Bannum Place's newly-added affirmative defense.

**IT IS SO ORDERED**.

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

Dated: February 5, 2019

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on February 5, 2019, by electronic means and/or ordinary mail.

s/Holly A. Monda
Case Manager
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