

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

KRISTY DUMONT; DANA DUMONT;  
ERIN BUSK-SUTTON; and  
REBECCA BUSK-SUTTON;

Case No. 17-cv-13080  
Paul D. Borman  
United States District Judge

Plaintiffs,

v.

NICK LYON, in his official capacity  
as the Director of the Michigan department  
of Health and Human Services; and  
HERMAN MCCALL, in his official  
capacity as the Executive Director of  
the Michigan Children's Services Agency,

Defendants,

and

ST. VINCENT CATHOLIC  
CHARITIES, MELISSA BUCK, CHAD  
BUCK, and SHAMBER FLORE,

Intervening Defendants.

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**AMENDED CIVIL CASE MANAGEMENT AND SCHEDULING ORDER**<sup>1</sup>

The Court enters the following schedule to manage the progress of the case:

Rule 26(a)(1) Initial Disclosures:                      October 1, 2018

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<sup>1</sup>The only amendment is the addition of the two underlined words "if necessary" on page 2 in the category Daubert Motion Hearing.

Witness Lists:	October 15, 2018
Expert Disclosures (Proponent)	November 5, 2018
Expert Disclosures (Respondent)	December 3, 2018
Fact Discovery Cutoff:	January 2, 2019
Expert Discovery Cutoff:	January 31, 2019
Motions Challenging Experts (Daubert) filed by:	February 28, 2019
Dispositive Motions filed by:	February 28, 2019
Daubert Motion hearing ( <u>if necessary</u> ):	May 3, 2019 @10:00 a.m.
Dispositive Motion hearing:	May 13, 2019 @ 10:00 a.m.

### **CASE MANAGEMENT GUIDELINES**

**I. DISCOVERY:** The Court reminds the parties that Fed. R. Civ. P. 5(d) and E.D. Mich. LR 26.2 prohibit the filing with the Clerk depositions, interrogatories, requests for the production of documents, requests for admission, responses to such discovery material, *and certificates of service* except as provided for in Local Rule 26.2. Additionally, disclosures under Rule 26(a)(1) and (2), the corresponding discovery requests and responses must not be filed with the Clerk until they are used in the proceedings or the Court orders them to be filed pursuant to Local Rule 26.2. *See* Fed. R. Civ. P. 5(d).

## **II. MOTION PRACTICE**

**A. CONCURRENCE:** The Court requires strict compliance with E.D. Mich. L.R. 7.1(a) regarding concurrence, and the Court will strike pleadings and impose costs for failure to comply with the Local Rule.

**B. FILING AND FORMAT OF PAPERS:** All briefs shall comply in all respects with Eastern District of Michigan Local Rules 5.1 and 7.1, in particular page limits, margins and fonts. The Court will not permit over-the-page limit briefs! The 14 point font applies to both text and footnotes. Briefs shall contain a table of contents, table of authorities, and an index. Unless specifically ordered otherwise by the Court, the parties shall follow the time limits set forth in E. Mich. L. R. 7.1.

**C. COURTESY COPIES:** A courtesy copy of all motions and briefs must be delivered to chambers, either by First-Class Mail or hand delivery, the same day that the document is e-filed. The courtesy copy must bear the electronic file stamp on the top of each page. Copies must be appropriately bound, with the electronic file stamp fully visible on each page, i.e. do not bind the courtesy copy with a top prong fastener. No loose or single binder clip bound copies will be accepted by the Court. Exhibits must be tabbed and an Index of Exhibits provided. **Motion/brief should be bound/stapled separately from exhibits.**

**D. CITATIONS TO AUTHORITY:** When citing to deposition testimony in a brief, reference the relevant page and line numbers and include as an exhibit the entire deposition transcript with the relevant passages highlighted. Any facts stated must be supported with citations to either pleadings, interrogatories, admissions, depositions, affidavits, or documentary exhibits. Do not provide string citations to case law without at a minimum parenthetical development. Focus on a few well-chosen cases, preferably recent and from controlling courts. When relying on unpublished cases, include a copy of the case in an Appendix of Cases.

**E. TIMING OF DISCOVERY:** All discovery shall be served sufficiently in advance of the discovery cutoff to allow the opposing party sufficient time to serve responses under the Federal Rules of Civil Procedure prior to the close of discovery.

**F. DISCOVERY MOTIONS:** The Court strictly enforces the requirements of the Eastern District of Michigan Local Rules regarding format, timing and particularly seeking concurrence, E.D Mich. L.R. 5.1 and 7.1, as to all discovery motions.

**G. RESOLUTION OF DISPUTED ISSUES:** If the parties resolve an issue that is presented to the Court in a pending motion, the parties shall notify the Court immediately that the issue is no longer contested. This communication can

be via electronic mail to the Court's Case Manager

([deborah\\_tofil@mied.uscourts.gov](mailto:deborah_tofil@mied.uscourts.gov)) or by a fax sent directly to chambers.

**H. MOTIONS FOR SUMMARY JUDGMENT:** Motions for summary judgment should be filed after the close of fact and expert discovery and only one motion for summary judgment may be filed. Separate counts or claims are to be addressed in a single motion, and within the applicable page limitations, not in separate motions.

**I. MOTIONS CHALLENGING EXPERT TESTIMONY:** Challenges to expert witnesses under Fed. R. Civ. P. 702, 703, or 705 are due no later than the summary judgment deadline.

s/Paul D. Borman  
PAUL D. BORMAN  
UNITED STATES DISTRICT JUDGE

Dated: September 17, 2018

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on September 17, 2018.

s/Deborah Tofil  
Case Manager