

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

Dennis Black, <i>et al.</i> ,)	
)	
Plaintiffs,)	Case No. 2:09-cv-13616
)	Hon. Arthur J. Tarnow
v.)	Magistrate Judge Mona K. Majzoub
)	
Pension Benefit Guaranty Corporation,)	
)	
Defendant.)	
)	

**MOTION TO DENY DEFENDANT PBGC’S OBJECTIONS TO
MAGISTRATE JUDGE’S MARCH 9, 2012 ORDER**

Plaintiffs Dennis Black, Charles Cunningham, Ken Hollis, and the Delphi Salaried Retirees Association (collectively “Plaintiffs”) hereby move for an Order Denying the Objections of the Defendant Pension Benefit Guaranty Corporation (“PBGC”) to the Magistrate Judge’s Order of March 9, 2012 (ECF No. 209) (the “2012 Rule 72 Objections”). A Proposed Order is attached hereto. On May 23, 2014, pursuant to Local Rule 7.1(a), the Parties conferred by telephone regarding this motion; counsel for the PBGC represented that the PBGC was “non-committal” as to the relief requested herein.

The PBGC has formally notified the Court that it believes the 2012 Rule 72 Objections are moot. ECF No. 253. Plaintiffs also believe that the 2012 Rule 72 Objections are moot in that they no longer present a live controversy before the

Court.¹ Because the Parties agree that the 2012 Rule 72 Objections are moot, they should be denied. *See, e.g., Moller v. CMS - Ctrs. for Medicare & Medicaid Servs.*, Case No. 12-15524, 2013 U.S. Dist. LEXIS 69856 (E.D. Mich. May 16, 2013) (noting that the “Mootness Doctrine” required the court to deny a motion to dismiss without prejudice where it no longer presented an actual controversy).

Dated: May 23, 2014

Respectfully submitted,

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¹ With the exception of documents specifically covered by Magistrate Judge Majzoub’s August 21, 2013 Order (ECF No. 231) (the “August 2013 Order”), and the PBGC’s 2013 Rule 72 Objections thereto (ECF No. 234), the PBGC has represented that it has fully complied with the Magistrate Judge’s March 9, 2012 Order. Because the PBGC has represented that it has not withheld any responsive documents on the grounds asserted in the 2012 Rule 72 Objections, Plaintiffs believe that the PBGC’s 2012 Rule 72 Objections no longer present a live controversy for the Court to resolve; accordingly they should be dismissed as moot.

CERTIFICATE OF SERVICE

I hereby certify that on May 23, 2014, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following e-mail addresses:

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