

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

_____)	No. 2:09-cv-13616-AJT-DAS
DENNIS BLACK, et al.,)	
)	STIPULATION AND ORDER
Plaintiffs,)	CONCERNING PLAINTIFFS' MOTION
)	FOR LEAVE TO FILE THE SECOND
v.)	AMENDED COMPLAINT AND
)	TREASURY DEFENDANTS' MOTION
PENSION BENEFIT GUARANTY)	TO DISMISS OR, IN THE
CORPORATION, et al.,)	ALTERNATIVE, FOR SUMMARY
)	JUDGMENT
Defendants.)	
_____)	

Subject to the approval of the Court, it is hereby stipulated and agreed as follows by and among all parties:

1. Plaintiffs' motion for leave to file a Second Amended Complaint (ECF No. 139) is hereby granted. Plaintiffs shall promptly file the Second Amended Complaint currently lodged with the Court as Exhibit A to ECF No. 139.

2. The dispositive motions (ECF Nos. 23 and 45) filed by Defendant Pension Benefit Guaranty Corporation ("PBGC") in response to the First Amended Complaint shall be deemed responsive to the Second Amended Complaint, such that:

(a) ECF No. 23 shall be deemed the PBGC's motion to dismiss Counts 1-3 of the Second Amended Complaint, ECF No. 36 shall be deemed Plaintiffs' response to that motion, and ECF No. 106 shall be deemed the PBGC's reply in support of that motion; and

(b) ECF No. 45 shall be deemed the PBGC's motion for summary judgment on Count 4 of the Second Amended Complaint, ECF Nos. 47, 94, and 111 shall be deemed Plaintiffs' responses to that motion, ECF No. 93 shall be deemed the PBGC's reply in support of that motion, and ECF Nos. 134 and 136 shall be deemed supplemental briefing on that motion.

(c) The PBGC's motions dispositive of Counts 1-4 of Plaintiffs' Second Amended Complaint are fully briefed and ready for hearing and decision on the merits. No further briefing on the PBGC's motions shall be required or allowed absent leave of Court. However, nothing in this Stipulation and Order shall have any impact on, alter, or otherwise affect the right of any party to file additional motions as authorized by the Federal Rules of Civil Procedure, including the Plaintiffs' filing of a motion for summary judgment under Fed. R. Civ. P. 56 on any or all Counts against the PBGC.

3. In light of the filing of the Second Amended Complaint, all proceedings with respect to the motion of Defendants U.S. Department of the Treasury, Presidential Task Force on the Auto Industry, Timothy F. Geithner, Steven L. Rattner, and Ron A. Bloom ("Treasury Defendants") to dismiss or, in the alternative, for summary judgment (ECF No. 120) are hereby held in abeyance. The Treasury Defendants may file not later than October 15, 2010, a renewed motion to dismiss or, in the alternative, for summary judgment (or otherwise respond to the Second Amended Complaint). Plaintiffs may file not later than November 15, 2010, an opposition to any renewed motion by the Treasury Defendants to dismiss or, in the alternative, for summary judgment. The Treasury Defendants may file not later than December 15, 2010, a reply in support of any such renewed motion.

4. The hearing in this case scheduled for September 24, 2010, at 2:00 p.m. remains in place. The following motions are now scheduled for that hearing:

- (a) PBGC's motion to dismiss the Second Amended Complaint (ECF No. 23);
- (b) PBGC's motion for summary judgment on Count 4 of the Second Amended Complaint (ECF No. 45);

- (c) PBGC's motion to seal (ECF No. 51);
- (d) Plaintiffs' motion for an order to show cause (ECF No. 130).

APPROVED AND SO ORDERED.

S/ARTHUR J. TARNOW
Arthur J. Tarnow
Senior United States District Judge

Dated: August 25, 2010

I hereby certify that a copy of the foregoing document was served upon counsel of record on August 25, 2010, by electronic and/or ordinary mail.

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and Ron A. Bloom

Dated: August 19, 2010

CERTIFICATE OF SERVICE

I hereby certify that on August 19, 2010, I served the within stipulation and order by e-mail on counsel for all remaining parties in this action.

s/ David M. Glass _____