

**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.)	
_____)	

STIPULATED ORDER
AMENDING SEPTEMBER 1, 2011 SCHEDULING ORDER

On September 1, 2011, this Court entered a scheduling order setting forth certain deadlines related to the resolution of Plaintiffs' Second Amended Complaint, including a deadline of February 29, 2012 for the parties to exchange witness names, a deadline of May 31, 2012 for the parties to file dispositive motions related to claims 1-4, and a discovery completion date of April 30, 2012. *See* ECF No. 193 at 7 (the "September 1, 2011 Order").

Shortly after the issuance of the September 1, 2011 Order, a dispute arose over the scope of discovery authorized in this case, which prevented discovery from moving forward under the schedule set forth in this Court's original scheduling order. On March 9, 2012, Magistrate Judge Majzoub entered an Order requiring that Defendant Pension Benefit Guaranty Corporation ("PBGC") provide full and complete responses to Plaintiffs' discovery requests 2-17 within 90 days. *See* ECF No. 204 (the "Magistrate Judge's Order"). The PBGC has filed objections to the

Magistrate Judge's Order (see ECF No. 209), and those objections remain pending before this Court.¹

In light of these developments, the parties are in agreement that the current deadlines stated in the September 1, 2011 Order are no longer appropriate. Therefore, it is hereby stipulated and agreed as follows by and among the undersigned:

1. All discovery related to claims 1-4 shall be served in time to be completed by September 30, 2012.
2. All discovery motions related to claims 1-4 shall be filed by August 30, 2012.
3. Plaintiffs and the PBGC shall exchange names of all witnesses, lay and expert, by August 5, 2012.
4. All dispositive motions related to claims 1-4 shall be filed no later than November 1, 2012.

It is further stipulated and agreed that, as concerns the Magistrate Judge's Order, the PBGC shall begin a rolling production of documents in response to Plaintiffs' discovery requests 2-17, and shall use its best efforts to produce all responsive documents received, produced or reviewed by the PBGC from August 2008 through September 2009 by June 7, 2012. The PBGC will thereafter produce, on a rolling basis, responsive documents received, produced, or reviewed from January 2006 through August 2008. The PBGC will use its best efforts to finish its production of documents responsive to Plaintiffs' discovery requests 2-17 by September 30, 2012, understanding that the parties shall work together to mutually ensure that this search and production are accomplished in as efficient a manner as possible.

¹ The PBGC has joined this stipulation in the interest of judicial economy, but its joinder should not be read in any way to suggest that it agrees with the Magistrate Judge's Order. Should the Court uphold the PBGC's objections in whole or in part, the PBGC reserves the right to seek modifications to this scheduling order.

IT IS SO ORDERED.

s/Arthur J. Tarnow

Hon. Arthur J. Tarnow

Senior United States District Judge

Dated: April 20, 2012

Agreed to By:

/s/ John A. Menke (with email permission)
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