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

Dennis Black, et al.,

Plaintiffs,

v.

Pension Benefit Guaranty Corporation,

Defendant.

Case No. 2:09-cv-13616 Hon. Arthur J. Tarnow Magistrate Judge Mona K. Majzoub

PARTIES' JOINT REQUEST FOR RESOLUTION OF THE PBGC'S OBJECTIONS TO MAGISTRATE JUDGE'S ORDER OF MARCH 9, 2012

Plaintiffs and Defendant Pension Benefit Guaranty Corporation ("PBGC") respectfully submit this joint request asking that the Court resolve the objections raised by the PBGC to the March 9, 2012 Order by Magistrate Judge Majzoub Granting Plaintiffs' Second Motion to Compel (the "Objections") (Dkt. No. 209).

The PBGC's Objections were fully briefed as of April 19, 2012. The PBGC has taken steps to comply with the Order while awaiting action by this Court on its Objections, but believes that the Objections continue to have significance for this litigation and are not moot. For their part, Plaintiffs note they are involved in a discovery dispute with the U.S. Department of Treasury ("Treasury"), pending before the Honorable Judge Emmet G. Sullivan in the United States District Court for the District of Columbia. *See U.S. Dep't of Treasury v. Black*, Case No. 1:12-mc-00100-EGS (D.D.C. filed Feb. 17, 2012). Judge Sullivan has stayed the proceedings before him pending this Court's ruling on the Objections. *See* Notice of Order in Related Case, Dkt. No. 213. Because Plaintiffs believe the discovery from the Treasury is critical to their case, resolution of the PBGC's Objections is important to the discovery schedule in this case.

In light of these circumstances, the Parties respectfully request that the Court resolve the

PBGC's Objections as soon as practicable.

Dated: April 23, 2013

Respectfully submitted,

<u>/s/ John A. Menke (per telephonic consent)</u> Israel Goldowitz, Chief Counsel Karen L. Morris, Deputy Chief Counsel John A. Menke, Assistant Chief Counsel C. Wayne Owen, Jr. Craig T. Fessenden Erin Kim, Attorneys PENSION BENEFIT GUARANTY CORP. Office of Chief Counsel 1200 K Street, N.W. Washington, D.C. 20005 Tel: (202) 326-4020, ext. 3204 Fax: (202) 326-4112 E-Mail: owen.wayne@pbgc.gov

BARBARA L. McQUADE United States Attorney Peter A. Caplan Assistant United States Attorney Eastern District of Michigan 211 West Fort Street, Suite 2001 Detroit, MI 48226 Phone: (313) 226-9784 Email: peter.caplan@usdoj.gov

Attorneys for Defendant

/s/ Anthony F. Shelley Anthony F. Shelley Timothy P. O'Toole Michael N. Khalil MILLER & CHEVALIER CHARTERED 655 15th St. NW, Suite 900 Washington, DC 20005 Telephone: 202-626-5800 Facsimile: 202-626-5801 E-mail: ashelley@milchev.com totoole@milchev.com mkhalil@milchev.com

Alan J. Schwartz (P38144) JACOB & WEINGARTEN, P.C. 777 Somerset Place 2301 Big Beaver Road Troy, Michigan 48084 Telephone: 248-649-1900 Facsimile: 248-649-2920 E-mail: alan@jacobweingarten.com

Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on April 23, 2013, I caused the foregoing electronically to be filed with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following e-mail addresses:

owen.wayne@pbgc.gov (C. Wayne Owen) david.glass@usdoj.gov (David M. Glass)

> /s/ Anthony F. Shelley Anthony F. Shelley MILLER & CHEVALIER CHARTERED 655 15th St. NW, Suite 900 Washington, DC 20005 Telephone: 202-626-5800 Facsimile: 202-626-5801 E-mail: ashelley@milchev.com