

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MALIBU MEDIA, LLC,

Plaintiff,

Case No. 1:13-cv-360

v.

Hon. Robert J. Jonker

JESSE RALEIGH,

Defendant.

ORDER

Pending before the Court are plaintiff's motion for an extension of time to complete discovery and serve expert witness reports (docket no. 35) and for an extension of time to file dispositive motions (docket no. 41). The essence of the motion for an extension of time was that plaintiff's expert could not submit his report, and plaintiff could not depose defendant, until its expert had the opportunity to analyze defendant's hard drives, and that these had not been produced. Inspection of these hard drives was also considered important to a possible resolution of this action, either with or without a settlement conference.

The second motion was contingent on the first, and on the production of the hard drives.

The issue of the hard drives has long since been resolved by the Court, and a procedure put into place for them to be furnished to plaintiff for inspection. Order, August 29, 2014 (docket no. 39). They were finally produced on December 3, 2014. In a Second Joint Status Report filed February 3, 2015, the Court was informed that while the plaintiff's expert had not even, after 60 days, completed his work, he could do so by February 13, 2015, and on that same date plaintiff

would also serve its expert report on defendant and file a status report regarding the contents of the expert report.

The Court has received no such status report.

In summary, plaintiff has had the hard drives in its possession for 113 days, for an examination that should apparently have required, at most, no more than two weeks. Plaintiff has offered no persuasive reason why the examination has not been completed or a further status report filed, despite the fact that his expert had found time to work on other litigation, and plaintiff's counsel has had time to file 22 new cases in this court during that period.

Accordingly, plaintiff's motion for an extension of time to complete discovery (docket no. 35) is **DENIED**.

Plaintiff's motion for an extension of time to serve dispositive motions (docket no. 41) is contingent upon the previous motion for an extension of time, and is **DENIED**.

IT IS SO ORDERED.

Dated: March 26, 2015

/s/ Hugh W. Brenneman, Jr.
HUGH W. BRENNEMAN, JR.
United States Magistrate Judge