

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

_____)	
UNITED STATES DEPARTMENT)	
OF TREASURY)	
Petitioner,)	
)	
v.)	No. 1:12-mc-00100-EGS
)	
PENSION BENEFIT)	
GUARANTY CORPORATION,)	
Interested Party,)	
)	
v.)	
)	
DENNIS BLACK, <i>et al.</i> ,)	
Respondents.)	
_____)	

ERRATA

On August 13, 2013, Respondents Dennis Black *et al.*, by and through their attorneys, electronically filed Respondents' Motion to Lift Stay and Memorandum of Points and Authorities in Support (Dkt. No. 11).

Upon further review of the brief, a typographical error was noticed on page five of the memorandum in support, in the middle of the second paragraph, line 16 (counting each line of text from the "Argument" heading downward). The date in the phrase " the PBGC began producing documents on June 7, 2013" should read "June 7, **2012.**"

A corrected version of page five of Respondents' Motion to Lift Stay and Memorandum of Points and Authorities in Support is attached.

Date: August 23, 2013

Respectfully submitted,

/s/ Anthony F. Shelley

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CERTIFICATE OF SERVICE

I hereby certify that on August 23, 2013, I electronically filed the foregoing with the Clerk of Court using the CM/ECF System, which will send notice of such filing to the following registered CM/ECF users:

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ARGUMENT

I. A CONTINUED STAY OF THESE PROCEEDINGS IS NO LONGER REASONABLE

It is well settled that “[t]he power to stay proceedings is incidental to the power inherent in every court to control the disposition of the causes on its docket with economy of time and effort for itself, for counsel, and for litigants.” *Landis v. North American Co.*, 299 U.S. 248, 254 (1936). Such discretion must be exercised by “weigh[ing] competing interests and maintain[ing] an even balance.” *Id.* at 255. While there are no hard and fast rules, a court must be mindful to release the fetters of a stay where the stay reaches beyond reasonable limits. *Id.* at 256.

When this Court stayed these proceedings on May 17, 2012, the PBGC’s objections with Judge Tarnow had been fully briefed for less than a month, and the PBGC had not yet produced a single document. It was thus entirely reasonable to expect that the Michigan Court would issue a ruling in short order on the objections, if for no other reason than to ensure that discovery was able to progress. However, Judge Tarnow did not rule on the objections, and given that the Magistrate’s Order was immediately effective and the PBGC had not sought a stay of the Order, the PBGC began producing responsive documents on June 7, 2012. Ex. A at 7. The PBGC made several more productions, with the final production occurring on December 20, 2012.¹ *Id.* As noted above the PBGC now claims to have “produced all documents sought by the plaintiffs except those protected by law or privilege,” though a motion to compel those allegedly privileged documents remains pending before Judge Majzoub. *Id.* at 5. Consequently, because the resolution of Respondents’ remaining discovery disputes with the PBGC will turn on the Magistrate’s decisions as to issues of privilege, Judge Tarnow may have determined that the

¹ The PBGC made an additional production of documents on July 29, 2013 consisting of documents which it had previously withheld on privilege grounds.