

**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.)	
)	

RESPONDENTS' NOTICE OF DEVELOPMENT IN UNDERLYING CASE

Respondents, plaintiffs in *Black, et al. v. PBGC*, Case No. 09-13616 (“*Black*”), currently pending in the United States District Court for the Eastern District of Michigan (the “Michigan Court”), respectfully file this notice to apprise the Court of a development in the underlying *Black* case.

Pursuant to a stipulated scheduling order entered by the Michigan Court in July 2015, discovery cut-offs and dispositive motion deadlines in *Black* were to be postponed until the resolution of Respondents’ motion to compel discovery from the United States Department of the Treasury, or for *in camera* review, pending before this Court (ECF No. 30, the “Motion to Compel”), along with the depositions of Matthew Feldman and Harry Wilson, two former staffers of Petitioner United States Department of Treasury.

On June 5, 2018, the Michigan Court held a status conference in *Black*. Following this status conference, the parties submitted a new stipulated scheduling order for the Michigan

Court's consideration, which the Michigan Court entered on July 3, 2018. Pursuant to this new stipulated scheduling order, the parties in *Black* are to file dispositive motions by September 14, 2018, and briefing on those motions is to be completed by November 16, 2018, though the parties may supplement their dispositive motion filings should they subsequently obtain relevant information as a result of the Motion to Compel or the Feldman or Wilson depositions. A copy of the Michigan Court's July 3, 2018 Stipulated Scheduling Order is attached as Exhibit A.

Date: July 10, 2018

Respectfully submitted,

/s/ Michael N. Khalil

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CERTIFICATE OF SERVICE

I hereby certify that on July 10, 2018, 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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/s/ Michael N. Khalil

Exhibit A

**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

STIPULATED SCHEDULING ORDER

Plaintiffs Dennis Black, Charles Cunningham, Ken Hollis, and the Delphi Salaried Retirees Association (collectively “Plaintiffs”) and Defendant Pension Benefit Guaranty Corporation (“PBGC”) (together with Plaintiffs, the “Parties”) do hereby present the Court with this Stipulated Scheduling Order.

The Parties have conferred and believe that there is good cause for another modification of the discovery and dispositive motion schedule. As such, it is hereby stipulated and agreed as follows by and among the undersigned:

Fact Discovery

1. The Parties may conduct depositions of Matthew Feldman (the “Feldman Deposition”) and/or Harry Wilson (the “Wilson Deposition”) on dates agreeable to the witnesses and Parties. The duration of the Feldman Deposition and the Wilson Deposition will not exceed the seven (7)

hours provided for under Federal Rule of Civil Procedure 30(d)(1) for each deposition, one hour of which shall be reserved for PBGC to ask questions of the witness.

2. Plaintiffs must provide full and complete responses to PBGC's First Set of Requests for Admission, dated July 15, 2015 by August 14, 2018. Except as otherwise permitted by Fed. R. Civ. P. 36, Plaintiffs cannot object to – or provide an incomplete answer to – any Request for Admission on the basis that fact discovery is incomplete. However, if Plaintiffs deem it necessary to amend and/or supplement a response to PBGC's First Set of Requests for Admission in light of *subsequent* depositions, such amendment or supplement must be served on PBGC within seven (7) days after the completion of the last to occur of the Feldman and Wilson Depositions. Similarly, if Plaintiffs deem it necessary to amend and/or supplement a response to PBGC's First Set of Requests for Admission in light of *subsequent* receipt of discovery from the United States Department of the Treasury (the "Treasury") because of the pending motion in the United States District Court for the District of Columbia to compel the Treasury to produce documents (the "Motion to Compel"), such amendment or supplement must be served on PBGC within seven (7) days of such receipt.
3. Plaintiffs and PBGC may serve supplemental Requests for Admission ("Supplemental Requests for Admission") based on information disclosed either: (a) in response to the Motion to Compel or (b) during either the Feldman Deposition or the Wilson Deposition, within seven (7) days of either the Feldman Deposition, Wilson Deposition, or the resolution of the Motion to Compel, whichever occurs latest. Responses

to the Supplemental Requests for Admission will be due within sixty (60) days of either the Feldman Deposition, Wilson Deposition, or the resolution of the Motion to Compel, whichever occurs latest.

Dispositive Motions

4. Any dispositive motion related to claims 1-4 must be filed by September 14, 2018.
5. Any opposition to the dispositive motions must be filed by October 19, 2018.
6. The Parties may file replies in support of their dispositive motions by November 16, 2018.
7. The Parties may supplement their dispositive motion filings should they subsequently obtain relevant information as a result of the Feldman Deposition, the Wilson Deposition, or the resolution of the Motion to Compel.

IT IS SO ORDERED.

s/Arthur J. Tarnow
Hon. Arthur J. Tarnow
Senior United States District Judge

Dated: July 3, 2018

/s/ John A. Menke (per email consent)

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