

1 UNITED STATES DISTRICT COURT
2 EASTERN DISTRICT OF MICHIGAN
3 SOUTHERN DIVISION
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MAHMOUD SAAD, Individually, And
ZIHRA SAAD, Individually,

Plaintiffs

- Vs -

MICHAEL KRAUSE, Individually And In His
Official Capacity, CITY OF DEARBORN
HEIGHTS, CITY OF DEARBORN HEIGHTS
POLICE DEPARTMENT, CITY OF
DEARBORN, CITY OF DEARBORN
POLICE DEPARTMENT, And JOHN DOE
OFFICERS I-XXX,

Defendants.

CASE NO. 10-cv-12635

**PLAINTIFFS' COMBINED MOTION
TO STRIKE AND TO PERMIT
DISCOVERY**

(Honorable Patrick J. Duggan)

5
6 **HADOUSCO. | PLLC**

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**BRIEF IN SUPPORT OF PLAINTIFFS'
COMBINED MOTION TO STRIKE AND
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(Honorable Patrick J. Duggan)

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**BRIEF IN SUPPORT OF PLAINTIFFS' COMBINED MOTION TO STRIKE
AND TO PERMIT DISCOVERY**

MOTION TO STRIKE

Pursuant to Federal Rule of Civil Procedure 12(f), Plaintiffs hereby move this Court to strike the following from page 2 of the Defendants' Motion for Partial Dismissal: "Defendants have sought concurrence from Plaintiffs in the relief requested and such concurrence has been denied."

At no time prior to the filing of their Motion did the Defendants contact the Plaintiffs regarding concurrence on any matter contained in the Defendants' Motion. Accordingly, the Plaintiffs respectfully request that the Court strike the Defendants' contrary contention from the Defendants' Motion.

MOTION TO PERMIT DISCOVERY

Pursuant to Federal Rule of Civil Procedure 56(f), Plaintiffs hereby move this Court to permit discovery.

Specifically, the Plaintiffs will require, without limitation, discovery into:

- (1) Whether the Defendant City of Dearborn Heights has conducted the studies mandated by Michigan Public Act 85 of 2006.
- (2) Whether Defendant Krause issued one or more traffic citations on false pretenses.
- (3) The Defendants' formal and/or informal overtime polices.
- (4) The Defendants' formal and/or informal ticket quotas.
- (5) The percentage of traffic citations converted to "impeding traffic" violations.

This information is within the sole province of the Defendants.

Further, this action was commenced in July 2010. The Plaintiffs served their First Set of Interrogatories to Defendant Krause and their First Set of Interrogatories and Requests for Production of Documents to the Defendant City of Dearborn Heights and the Defendant Dearborn Heights Police Department via electronic mail and first-class mail on August 4, 2010. To date, the Plaintiffs have not received responses to the foregoing discovery requests, as they have not become due. Accordingly, the Plaintiffs hereby request the Court permit Plaintiff adequate time to conduct discovery prior to ruling on any motion dispositive to any of the Plaintiffs' claims.

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2 **RESPECTFULLY SUBMITTED** this 19th Day of August, 2010.
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20 **CERTIFICATE OF SERVICE**

21 I hereby certify that on August 19, 2010, I electronically filed the foregoing with the
22 Clerk of the Court using the ECF system which will send notice of such filing to all attorneys of
23 record in this matter. Since none of the attorneys of record are non-ECF participants, hard copies
24 of the foregoing have not been provided via personal delivery or by postal mail.
25

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