

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JOHN GREINER,

Plaintiff,

Case No. 14-cv-13979
Hon. Matthew F. Leitman

v.

CHARTER COUNTY OF
MACOMB, MICHIGAN, a/k/a
MACOMB COUNTY, et al.,

Defendants.

**ORDER DENYING PLAINTIFF'S MOTION
FOR STAY OF PROCEEDINGS (ECF #130)**

This case began in 2014. At that time, Plaintiff John Greiner (“Greiner”) brought numerous claims against Defendant Charter County of Macomb, Michigan (“Macomb County”) and his union. (*See* Compl., ECF #1.) The claims relate to the termination of Greiner’s employment with Macomb County. Greiner has been represented by two different attorneys at various points in this litigation. Both attorneys withdrew from representing Greiner due to a breakdown in the attorney-client relationship.

Following the withdrawal of the attorneys, the Court entered an Opinion and Order in which it granted summary judgment in favor of Defendant Michigan Council 25 American Federation of State, County, and Municipal Employees, AFL-

CIO and granted summary judgment in part to Macomb County. (*See* ECF #117.) Greiner's sole remaining claim in the action is the First Amendment retaliation claim against Macomb County. That claim is the subject of a pending motion for summary judgment by Macomb County. (*See* ECF #123.)

Greiner has now filed a motion to stay these proceedings so that he may seek yet another lawyer to represent him. (*See* ECF #130.) The Court declines to grant a stay.

Greiner has had ample opportunity to find and retain counsel. After Greiner's first attorney withdrew from representing him, the Court stayed the action for 45 days to allow Greiner to find a new attorney. (*See* ECF #65 at Pg. ID 782.) The Court thereafter granted Greiner three additional weeks to find counsel. (*See* Mar. 14, 2016 Status Conference Tr., ECF #95 at Pg. ID 1825.) Furthermore, Greiner's second attorney withdrew over seven months ago (*see* ECF #99), and during that time Greiner has not secured substitute counsel.

Moreover, there is no reason to believe that Greiner will be able to find an attorney willing to take his case. When Greiner's first attorney in this action withdrew, Greiner asked roughly twenty attorneys to take his case, but none would. (*See* Mar. 14, 2016 Status Conference Tr., ECF #95 at Pg. ID 1820-21.) While Greiner ultimately was able to find a second lawyer willing to take his case, that lawyer entered the case at a much earlier stage – before the completion of discovery

and before the Court's ruling on the summary judgment motions. At this very late stage in the proceedings, it is unlikely that Greiner could find an attorney willing to enter the case on his behalf. Indeed, the Court questions whether any attorney would enter the case now given Greiner's well-documented inability to get along with his prior lawyers.

And even if Greiner could find counsel willing to appear in this action at this stage, the Court has no confidence that Greiner would be able to work constructively with that lawyer as the proceedings move toward completion. As the Court noted in its prior Opinion and Order, three separate attorneys have withdrawn from representing Greiner in litigation against Macomb County due to breakdowns in the attorney-client relationship (the two attorneys who have withdrawn from this action and one who withdrew from related state-court litigation). (*See* ECF #117 at Pg. ID 4528.)

Under these circumstances, the Court will not exercise its discretion to stay the case again to permit Greiner to search for yet another lawyer.

IT IS HEREBY ORDERED that the motion for stay of proceedings (ECF #130) is **DENIED**.

IT IS SO ORDERED.

s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

Dated: October 25, 2017

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on October 25, 2017, by electronic means and/or ordinary mail.

s/Holly A. Monda
Case Manager
(810) 341-9764