UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

FORD MOTOR COMPANY,

Plaintiff,

v.

VERSATA SOFTWARE, INC. *et al.*

Defendants.

Case No. 15-cv-10628
(*consolidated with Case No. 15-11624*)
Hon. Matthew F. Leitman

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ORDER (1) GRANTING PARTIES' MOTIONS FOR LEAVE TO FILE ADDITIONAL MOTIONS (ECF ## 693, 696), (2) ADJOURNING ALL SCHEDULED DATES, INCLUDING THE TRIAL DATE, AND (3) TERMINATING THE PARTIES' JOINT MOTION TO MODIFY CALENDAR DATES (ECF #688) AS MOOT

On August 19, 2019, Plaintiff Ford Motor Company filed a motion for leave to file an additional summary judgment motion with respect to Defendant Versata Software, Inc.'s trade secret and contract counterclaims.[1] (*See* Ford Mot., ECF #693.) On that same day, Versata filed a motion for leave to file a motion for reconsideration of the Court's ruling striking Versata's damages experts.[2] (*See*

[1] Ford must seek leave because under this Court's Local Rules, "[a] party must obtain leave of court to file more than one motion for summary judgment." E.D. Mich. Local Rule 7.1(b)(2). Ford has previously filed a motion for summary judgment in this action.

[2] Versata must seek leave because under this Court's Local Rules, the time to file a motion for reconsideration has expired. *See* E.D. Mich. Local Rule 7.1(h)(1) ("a motion for rehearing or reconsideration must be filed within 14 days after entry of the judgment or order).

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Versata Mot., ECF #696.) The parties attached to their respective motions for leave the proposed motions that they seek permission to file. (*See* Ford Proposed Mot., ECF #693-1; Versata Proposed Mot., ECF #696-1.)

The Court has carefully reviewed the parties' motions for leave, and the parties' proposed motions, and it concludes that the issues raised in the proposed motions are worthy of serious consideration on full briefing from both parties. Accordingly, the Court will **GRANT** both parties' motions for leave and will allow both parties to file their proposed motions. In reaching this conclusion, the Court expresses no view as to any aspect of the merits of either proposed motion. For example, the Court has not made any determination at this time as to whether Versata has satisfied any of its burdens under the Court's Local Rules governing motions for reconsideration. Nor has it made any determination as to whether Ford is entitled to summary judgment on Versata's trade secret and contract counterclaims. The Court holds only that the parties may file their proposed motions and that the Court will resolve the issues raised in those motions after full briefing and a hearing.[3]

Because the resolution of the parties' proposed motions may directly impact the parties' motions *in limine* and the scope of the trial, and because, based on the

[3] The Court recognizes that if it ultimately grants Versata's motion for reconsideration, that ruling may moot, in whole or in part, Ford's motion for summary judgment. However, for the sake of efficiency, the Court will consider and hear both motions simultaneously. The parties should brief Ford's motion as if reconsideration has been denied.

time required to conduct full briefing and hold a hearing on the motions, the Court will not be able to resolve the motions sufficiently in advance of the currently-scheduled dates for the Final Pretrial Conference and trial, the Court will **ADJOURN** all scheduled dates in this matter, including the trial date. The Court will consult with all parties regarding a revised schedule and trial date once it issues a ruling on the proposed motions. Because the Court is adjourning all scheduled dates in this matter, the Court will **TERMINATE AS MOOT** the parties' joint motion to modify calendar dates. (*See* Joint Mot., ECF #688).

Accordingly, for the reasons stated above, **IT IS HEREBY ORDERED** that:

- Ford's motion for leave to file a motion for summary judgment on Versata's trade secret and contract counterclaims (ECF #693) is **GRANTED**. Ford shall file its motion for summary judgment by no later than **September 6, 2019**. Versata shall file a response to Ford's motion by no later than **September 27, 2019.** Ford may file a reply brief by no later than **October 11, 2019**;
- Versata's motion for leave to file a motion for reconsideration (ECF #696) is **GRANTED**. Versata shall file its motion for reconsideration by no later than **September 6, 2019**. Ford shall file a response to Versata's motion by no later than **September 27, 2019.** Versata may file a reply brief by no later than **October 11, 2019**;

- The Court will schedule a single hearing date for both motions after consultation with all parties;
- All currently-scheduled dates in this matter, including the dates for the Final Pretrial Conference and trial, are **ADJOURNED**. The Court will consult with all parties regarding a revised schedule and trial date once it issues a ruling on the proposed motions; and
- The parties' joint motion to modify calendar dates (ECF #688) is **TERMINATED AS MOOT**.

IT IS SO ORDERED.

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

Dated: September 3, 2019

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on September 3, 2019, by electronic means and/or ordinary mail.

s/Holly A. Monda
Case Manager
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