

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MAGNA MIRRORS OF AMERICA, INC.,

Plaintiff,

CASE NO. 1:17-CV-77

v.

HON. ROBERT J. JONKER

SMR AUTOMOTIVE MIRRORS UK
LIMITED, et al.,

Defendants.

_____ /

ORDER

Six Rule 56 motions are pending and set for hearing on May 21, 2020. The Court expects the hearing on those motions (and only those motions) to proceed in-person as scheduled. The Court encourages the parties to consider sensible accommodations that will limit risk of exposure to Covid-19. Maybe not all lawyers who have appeared and worked on the case need to come to the hearing. Maybe local counsel will be able to carry more of the argument load than they normally would so that less travel is needed. And to the extent travel is necessary, maybe counsel can consider an old-fashioned road trip instead of airline travel. There is plenty of time between now and May 21, gas is cheap, and springtime blossoms make driving more visually rewarding than flying. Plus, this is a case about car mirrors.

Once in the courthouse and courtroom, the parties and the Court can collaborate on simple measures that will further limit risk. The courtroom is large enough for the lawyers to maintain plenty of social distance. The Court can provide additional table space to accommodate as many counsel as possible, once the Court knows how many attorneys plan to attend. The Court will neither

prohibit nor require facial coverings, leaving it to counsel to use their own best judgment. The Court may choose to have counsel argue while seated with a dedicated microphone, rather than have everyone rise to share a common lectern and microphone. (Access to courtroom video presentation equipment is available at counsel table as well as the lectern.) The Court will also make its audio bridge available to out-of-town counsel who would prefer to listen to the proceedings without traveling to court, but only counsel who are present in person will be allowed to speak.

Of course, we have all learned that things can and do change quickly. The Court will continue to monitor the situation and will advise the parties if, in its judgment, the hearing cannot proceed in person as scheduled with common sense risk mitigation measures like those suggested here. As always, the parties are free to present any concerns by motion if necessary. The Court believes this Order addresses and moots, for now, the issues presented in ECF No. 424 (and the response in ECF No. 428). Accordingly, the Motion for in-person hearing is dismissed as moot.

Date: May 1, 2020

/s/ Robert J. Jonker
ROBERT J. JONKER
CHIEF UNITED STATES DISTRICT JUDGE