**STATE OF MICHIGAN**

**IN THE COURT OF CLAIMS**

ANTHONY TONEY

Plaintiff,

v.

BOARD OF GOVERNORS OF WAYNE STATE UNIVERSITY

Defendant.

Case No. 26-000039-MZ

Hon. Michael J. Riordan


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## STIPULATION AND ORDER EXTENDING SCHEDULING ORDER DATES

Plaintiff Anthony Toney and Defendant Board of Governors of Wayne State University, by and through their respective counsel, stipulate and agree to extend the dates set forth in the Court's April 28, 2026 Scheduling Order by one hundred twenty (120) days.

This extension of the Scheduling Order dates is necessary due to unexpected delays in discovery. For example, Defendant has made numerous efforts to obtain Plaintiff's records from healthcare providers and other document sources, but the recordholders have not responded in a timely manner. Because of the delays in production of Plaintiff's records, Defendant was forced to delay key discovery, including Plaintiff's deposition and Independent Medical Examinations (IMEs). Plaintiff also still needs to take the deposition of the driver involved in the incident giving rise to his Complaint. Neither party is responsible for the delays— both have acted promptly in

efforts to obtain the records, despite the recordholders' failure to timely respond. The requested extension will permit the parties sufficient time to complete discovery and related pretrial matters without prejudice to either party.

Accordingly, the parties stipulate that the Scheduling Order dates should be extended as follows:

1. All witnesses, including experts, shall be named on witness lists and exchanged no later than **January 19, 2027**.

2. A Status Conference will be held on a date determined by the Court, and the parties will be notified via telephone conference to be initiated by the Court.

3. Discovery must be completed no later than **March 30, 2027**. Discovery beyond this date will be permitted only on motion for good cause shown.

4. Motions to Amend Pleadings must be filed by **February 12, 2027**.

5. Any dispositive motion must be filed no later than **April 2, 2027**.

All other provisions of the April 28, 2026 Scheduling Order shall remain in full force and effect unless otherwise ordered by the Court.

Respectfully submitted,

**For Plaintiff:**

MIKE MORSE LAW FIRM

By: */s/Charlie Kersten*
Charlie Kersten (P85795)
Attorney for Plaintiff Anthony Toney

Dated: November 3, 2026

**For Defendant:**

LEWIS & MUNDAY, P.C.

By: */s/ Samuel E. McCargo*
Samuel E. McCargo (P25298)
Attorney for Defendant Board of Governors of Wayne State University

Dated: November 3, 2026

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**ORDER EXTENDING SCHEDULING ORDER DATES**

Upon review of the foregoing Stipulation, and the Court being otherwise fully advised in the premises,

IT IS HEREBY ORDERED that the dates set forth in the Court's April 28, 2026 Scheduling Order are extended by one hundred twenty (120) days as follows: witness lists shall be exchanged no later than **January 19, 2027**; discovery shall be completed no later than **March 30, 2027**; any motion to amend pleadings shall be filed by **February 12, 2027**; and any dispositive

motion shall be filed no later than **April 2, 2027**. All other provisions of the Scheduling Order shall remain in full force and effect.

IT IS SO ORDERED.

Dated: 11/03/2026

Hon. Michael J. Riordan
Court of Claims Judge