

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

PRIORITY RECORDS L.L.C.,
ELEKTRA ENTERTAINMENT GROUP
INC., MOTOWN RECORDS COMPANY, L.P.,
WARNER BROS. RECORDS, INC., SONY
MUSIC ENTERTAINMENT INC., UMG
RECORDINGS, INC., and ARISTA
RECORDS, INC.,

CASE NO. 04-CV-73645-DT
HON. LAWRENCE P. ZATKOFF

Plaintiffs,

vs.

CANDY CHAN,

Defendant.

OPINION AND ORDER

AT A SESSION of said Court, held in the
United States Courthouse, in the City of Port Huron,
State of Michigan, on June 23, 2005

PRESENT: THE HONORABLE LAWRENCE P. ZATKOFF
UNITED STATES DISTRICT JUDGE

I. INTRODUCTION

This matter is before the Court on Plaintiffs' Motion to Amend Judgment (Docket #29). Defendant has not filed a response. The facts and legal arguments are adequately set forth in the briefs submitted. Therefore, finding that the determination of the issues will not be aided by oral argument, and pursuant to E.D. Mich. Local R. 7.1(e), this Court ORDERS that Plaintiffs' Motion to Amend Judgment be decided upon the briefs submitted, without this Court entertaining oral arguments. For the reasons that follow, Plaintiffs' Motion to Amend Judgment is DENIED.

II. DISCUSSION

On May 19, 2005, the Court granted Plaintiffs' motion to dismiss Candy Chan with prejudice. The Court also ruled that Plaintiffs were not prevented from bringing an action against anyone else, including Brittany Chan, the minor child of Candy Chan. Plaintiffs now ask the Court to amend the judgment of dismissal of the case to allow Plaintiffs to proceed against Brittany Chan, through a guardian *ad litem*. Plaintiffs note that a proposed stipulated order submitted two days prior to the Court's dismissal of the case against Candy Chan provided that Plaintiffs and Candy Chan agreed that "The Clerk shall contact the Saginaw County Probate Court to obtain the name of a Guardian Ad Litem from that court's rotating list of guardians. The Clerk shall then send out a notice with the name of the Guardian Ad Litem to serve in this matter." Therefore, Plaintiff argues that the instant motion should be granted to conserve both judicial resources and to minimize the time, expense, and costs of litigation.

The Court is not persuaded that judgment should be amended in this case. First, the Court gave Plaintiffs exactly what they asked for when they filed their Motion to Dismiss Candy Chan with prejudice. Second, judicial resources are not conserved by reinstating the action. The same resources of the Court will be necessary whether the case is reinstated or not. For example, a guardian *ad litem* will have to be appointed for Brittany Chan (and the Court questions the need for its clerk to call the Saginaw County Probate Court to obtain the name from that court's rotating list of guardians) and a new scheduling conference will be required in either event. In fact, the only extra judicial resources required in connection with this matter are those required to review the instant motion and issue this Opinion and Order. Third, a new case will cost \$250 to file. The cost of preparing and filing the instant motion probably exceeded that amount. The other costs of

proceeding with a new action should be virtually identical to the costs of proceeding with this action if it is reinstated. Fourth, the reasons for dismissal set forth in the Court's May 19, 2005, Opinion and Order are still applicable.

Accordingly, for the reasons set forth above, Plaintiffs' Motion to Amend Judgment is DENIED.

III. CONCLUSION

For the above reasons, Plaintiff's Motion to Amend Judgment is hereby DENIED.

IT IS SO ORDERED.

s/Lawrence P. Zatkoff
LAWRENCE P. ZATKOFF
UNITED STATES DISTRICT JUDGE

Dated: June 23, 2005

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of this Order was served upon the attorneys of record by electronic or U.S. mail on June 23, 2005.

s/Marie E. Verlinde
Case Manager
(810) 984-3290

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