

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

RAYMOND E. BUTLER, II,)	
Plaintiff,)	
)	No. 2:24-cv-134
v.)	
)	Honorable Paul L. Maloney
ELI JACKFINN EDDI, <i>et al.</i> ,)	
Defendants.)	
_____)	

ORDER DENYING EMERGENCY MOTION TO STAY ECF No. 102

This matter comes before the court on Plaintiff’s emergency motion to stay Judge Vermaat’s order regarding defendants’ motion for a protective order. (ECF No. 102). Plaintiff engaged in inappropriate conduct, so he was ordered to “not contact, communicate with, or attempt to contact or communicate with, Defendant Chaim Rajchenbach, Defendant Menachem Shabat, or any witness in the instant case *unless* that contact or communication is through his attorney, Racine Miller.” (ECF No. 101 at PageID.1111). Plaintiff requests that this court stay Judge Vermaat’s order pending the appeal to this court. (ECF No. 102). The court will deny the motion.

I.

When considering a stay pending an appeal, courts weigh four factors: “(1) the likelihood that the party seeking the stay will prevail on the merits of the appeal; (2) the likelihood that the moving party will be irreparably harmed absent a stay; (3) the prospect that others will be harmed if the court grants the stay; and (4) the public interest in granting

the stay.” *Mich. Coal. of Radioactive Material Users, Inc. v. Griepentrog*, 945 F.2d 150, 153 (6th Cir. 1991). These four considerations are balanced together. *Id.*

II.

The court will deny Plaintiff’s request to stay Judge Vermaat’s order. Plaintiff failed to brief the most important factor for this court’s consideration of his request. Regarding Plaintiff’s alleged likelihood of success on the merits, Plaintiff’s brief states:

Plaintiff’s forthcoming objection will demonstrate that ECF 101 did not adequately analyze the Orders regarding stay, which very plainly were summarized in Footnote 2 at PageID.990. It is well-held law that to restrict speech, several requirements including that the restrictions on speech must be narrowly tailored and based on specific findings must be present, which are absent in ECF 101.

(ECF No. 102 at PageID.1116). Plaintiff’s assertions are without citation to any authority. Failure to brief this factor renders Plaintiff’s filing frivolous. *See Gonzales v. National Bd. of Med. Exam’rs*, 225 F.3d 620, 625 (6th Cir. 2000) (stating that “a finding that there is simply no likelihood of success on the merits is usually fatal”). Accordingly, the court cannot balance this factor.

The other factors do not favor staying Judge Vermaat’s order. This court also questions whether Plaintiff faces any prejudice because this matter is stayed. Plaintiff is not at risk of missing any pending discovery deadlines, even if this court were to ignore his inflammatory investigation style. And Plaintiff has an attorney to speak to other litigants and witnesses on his behalf. The public interest is plainly served by keeping Judge Vermaat’s order in place. Plaintiff’s conduct—allegedly harassing defendants and third parties—is inappropriate. Plaintiff’s emergency motion is denied.

III.

Plaintiff avers he intends to appeal Judge Vermaat's order. Plaintiff's forthcoming objection is due within 14 days of Judge Vermaat's order. Fed. R. Civ. P. 72(a). Defendants Chaim Rajchenbach and Menachem Shabat are ordered to respond to Plaintiff's filing within 14 days of his filing. The other defendants may or may not file briefs in response to Plaintiff's forthcoming objection. Once Plaintiff's forthcoming objection becomes ripe, this court intends to hold an in person hearing on these issues. Plaintiff will be expected to testify regarding his apparent First Amendment issue.

IT IS HEREBY ORDERED that Plaintiff's emergency motion (ECF No. 102) is **DENIED**.

IT IS FURTHER ORDERED that Defendants Chaim Rajchenbach and Menachem Shabat are ordered to respond to Plaintiff's forthcoming objection within 14 days of Plaintiff's filing. The other defendants may or may not join in filing a responsive brief.

IT IS SO ORDERED.

Date: February 13, 2025

/s/ Paul L. Maloney
Paul L. Maloney
United States District Judge