

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

TIARA YACHTS, INC.,

Case No. 1:22-cv-603

Plaintiff/Counter-Defendant,

Honorable Robert J. Jonker

v.

Magistrate Judge Ray Kent

BLUE CROSS BLUE SHIELD OF MICHIGAN,

Defendant/Counter-Plaintiff.

**PLAINTIFF/COUNTER-DEFENDANT'S RESPONSE IN OPPOSITION TO
DEFENDANT/COUNTER-PLAINTIFF'S MOTION TO FILE SUPPLEMENTAL BRIEF
SUPPORTING ITS RESPONSES TO VARIOUS DISCOVERY MOTIONS**

Plaintiff opposes Defendant's so-called "supplement" because it has no bearing on any of the discovery issues actually before the Court, and instead, by Defendant's own description, is an effort to disclose settlement discussions in the public record. Yesterday, counsel for Defendant wrote the following in an email to Plaintiff's counsel:

Separately, we plan to seek the court's permission to file a supplemental brief in support of our responses to the discovery motions that are up for hearing on Thursday. **The supplement will update the court on the parties' settlement discussions over the last few weeks.**

September 14, 2026 email from Jason Schneider to Aaron Phelps (emphasis added).

"Settlement discussions" are not a matter subject to motion practice and briefing, and as such, Defendant's motion should be denied.

Respectfully submitted,

VARNUM LLP

Attorneys for Tiara Yachts, Inc.

Dated: September 15, 2026

By: /s/ Aaron M. Phelps

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CERTIFICATE OF SERVICE

I hereby certify that on September 15, 2026, I electronically filed the foregoing document with the Clerk of the Court using the ECF system, which will send notification of the filing to all counsel of record.

/s/ Aaron M. Phelps

Aaron M. Phelps (P64790)