

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND

ANDY J. EGAN CO, INC,

Plaintiff,

v

Case No. 10-114555-CK

Hon. Wendy Potts

PRO SERVICES, INC, et al,

Defendants.

OPINION AND ORDER RE: PLAINTIFF'S MOTION FOR RECONSIDERATION

At a session of Court
Held in Pontiac, Michigan

FEB 22 2016

The matter is before the Court on Plaintiff Andy J. Egan, Co., Inc.'s Motion for Reconsideration of this Court's August 31, 2015 Opinion and Order re: Pro Services, Inc.'s Motion for Entry of Judgment, Interim Award of Attorney Fees and Costs, and Judgment Interest Under MCL 600.6013(6). The Court dispenses with oral argument pursuant to MCR 2.119(F)(2).

This Court issued an Opinion and Order on August 31, 2015 granting Pro Services, Inc.'s motion for attorney fees and costs in part. Plaintiff now requests the Court grant its motion and enter an order denying Defendant Pro Services, Inc.'s motion for attorney fees. MCR 2.119(F) governs Motions for Rehearing or Reconsideration.

"[A] motion for rehearing or reconsideration of the decision on a motion must be served and filed not later than 21 days after entry of an order deciding the motion." MCR 2.119(F)(1).

On September 22, 2015, Plaintiff filed its motion for reconsideration of the Court's August 31, 2015 Opinion and Order. Thus, Plaintiff's motion for reconsideration was not timely filed.

Additionally, MCR 2.119(F)(3) provides, in relevant part:

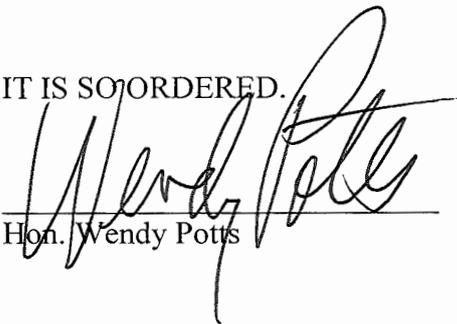
[A] motion for rehearing or reconsideration which merely presents the same issues ruled on by the court, either expressly or by reasonable implication, will not be granted. The moving party must demonstrate a palpable error by which the court and the parties have been misled and show that a different disposition of the motion must result from correction of the error.

The Court finds that Plaintiff's motion for reconsideration merely presents the same issues that we already ruled on by this Court. Moreover, even if the motion for reconsideration were timely, the Court finds that the Plaintiff has failed to demonstrate a palpable error and show that a different disposition of the motion must result from correction of the error. Accordingly, Plaintiff Andy J. Egan Co., Inc.'s motion is denied.

Dated:

FEB 22 2016

IT IS SO ORDERED.



Hon. Wendy Potts