

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

SCOTTSDALE INSURANCE CO,

Plaintiff,

v

Case No. 2013-134852-CZ
Hon. Wendy Potts

CHARTER TOWNSHIP OF ORION, et al,

Defendants.

OPINION AND ORDER RE: ALL BUILDING SERVICES, LLC AND WILLIAM
MATHISEN'S MOTION FOR RECONSIDERATION

At a session of Court
Held in Pontiac, Michigan
On

~~MAY 06 2015~~

Defendants All Building Services, LLC and William Mathisen move the Court to reconsider its decision denying summary disposition of Plaintiff Scottsdale Insurance Company's negligence claim. The Court has discretion to grant or deny reconsideration. MCR 2.119(F)(3); *Charbeneau v Wayne County General Hosp*, 158 Mich App 730, 733; 405 NW2d 151 (1987). Reconsideration is warranted if a party identifies a palpable error by which the Court and the parties have been misled and shows that a different disposition must result from correction of that error. MCR 2.119(F)(3).

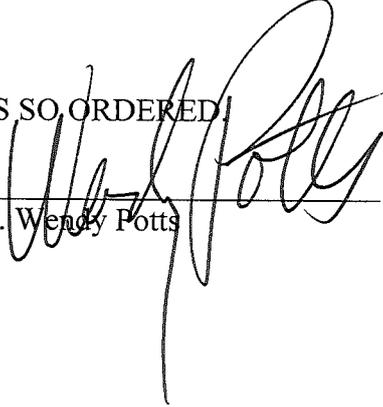
Defendants assert that the Court erred in concluding that they owed Plaintiff's insured a duty to inspect the water meter they installed. However, Defendants' arguments are merely an elaboration of the "no duty" argument they raised in their summary disposition motion. Defendants cannot demonstrate palpable error based on arguments that were or could have been

raised before the Court's decision on the original motion. *Churchman v Rickerson*, 240 Mich App 223, 233; 611 NW2d 333 (2000). The fact that Defendants disagree with this Court's conclusion that they owed a duty does not give rise to an error warranting reconsideration. *Herald Co v Tax Tribunal*, 258 Mich App 78, 83; 669 NW2d 862 (2003).

Because Defendants fail to demonstrate palpable error in the Court's decision, the motion for reconsideration is denied.

Dated: **MAY 06 2015**

IT IS SO ORDERED



Hon. Wendy Potts