

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

KELSEY-HAYES COMPANY,

Plaintiff,

v

Case No. 13-137746-CK  
Hon. Wendy Potts

HUTCHINSON SEAL DE MEXICO, et al,

Defendants.

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OPINION AND ORDER RE: DEFENDANTS' RENEWED MOTION FOR SUMMARY  
DISPOSITION REGARDING SPECULATIVE DAMAGES

At a session of Court  
Held in Pontiac, Michigan

On  
JAN 28 2016

Defendants filed a “renewed” motion for summary disposition of Plaintiff Kelsey-Hayes Company’s claims because its damages are speculative. As Defendants’ motion title suggests, the Court has already addressed the speculative damages issue in a prior motion for summary disposition brought under MCR 2.116(C)(10). In its July 22, 2015 bench opinion, the Court concluded that Kelsey-Hayes presented evidence of losses sufficient to take its damages outside the realm of speculation and denied Defendants’ motion. At no point did the Court state that its ruling was without prejudice or suggest that Defendants could revisit this issue. Thus, this motion is a disguised and untimely motion for reconsideration, and the Court would be within its discretion to deny it on that ground alone. MCR 2.119(F)(1).

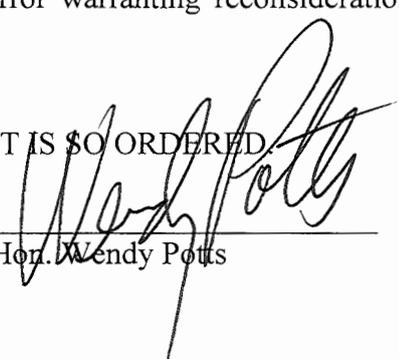
Moreover, Defendants have not presented any argument or evidence demonstrating a palpable error in the Court’s decision. MCR 2.119(F)(3). All of Defendants’ arguments were or

could have been raised before the Court entered the July 22, 2015 order. Defendants cannot demonstrate grounds for reconsideration by reiterating arguments that were raised and rejected in the Court's decision on the original motions. *Churchman v Rickerson*, 240 Mich App 223, 233; 611 NW2d 333 (2000). The fact that Defendants disagree with the Court's reasoning or conclusions does not amount to palpable error. *Herald Co v Tax Tribunal*, 258 Mich App 78, 83; 669 NW2d 862 (2003).

Because Defendants fail to demonstrate palpable error warranting reconsideration, the motion is denied.

Dated: **JAN 28 2016**

IT IS SO ORDERED.

  
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Hon. Wendy Potts