

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

AZA POOLED REAL ESTATE, LLC,

Plaintiff,

v

Case No. 2014-141393-CZ

Hon. Wendy Potts

LAURENCE H. SMITH, et al.,

Defendants.

OPINION AND ORDER RE: NAPO LIMITED'S
MOTION FOR RECONSIDERATION

At a session of Court
Held in Pontiac, Michigan On

~~MAR 03 2016~~

This matter is before the Court on Defendant Napo Limited's Motion for Reconsideration. In its motion, Defendant is seeking reconsideration of the Court's February 2, 2016 Order Regarding Plaintiff's Motion for Entry of Default Judgment Against Defendant Napo Limited.

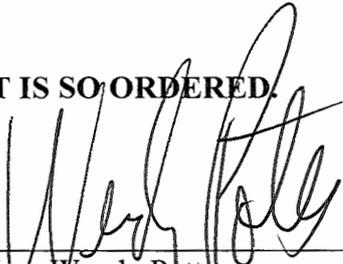
Specifically, Defendant asserts that the Court erred by failing to consider the merits of its Limited Response to Defendant's Motion for Entry of Default Judgment and Counter-Motion to Set Aside Default. Defendant asserts further that its Limited Response and Counter-Motion was not a disguised motion for reconsideration, but rather a motion concerning Defendant's previously raised argument that the default should be set aside due to insufficient service of process.

In review of Defendant's Motion, the Court relies on MCR 2.119(F)(3), which 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 Defendant's argument of insufficient service of process has not yet been determined. Accordingly, the Court orders Defendant Napo Limited to praecipe the matter for oral argument. Any responses to the motion shall be filed by noon on the Friday prior to date of the motion hearing.

IT IS SO ORDERED.



Hon. Wendy Potts
Circuit Court Judge

Dated: MAR 03 2016