

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

PLAINTIFF INVESTMENT FUNDING, LLC,

Plaintiff,

2014
Case No: ~~2015~~-143018-CK

v.

Hon. Wendy Potts

THOMAS P. CASEY, et al,

Defendants.

OPINION AND ORDER RE: DEFENDANTS' MOTION FOR RECONSIDERATION

At a session of Court
Held in Pontiac, Michigan

On
DEC 28 2015

Defendants move the Court to reconsider its September 9, 2015 decisions denying their motion to set aside admissions and granting Plaintiff's motion for summary disposition. However, Defendants did not file this motion until December 9, 2015, three months after the decisions which they ask the Court to reconsider. A motion for reconsideration "must be served and filed no later than 21 days after entry of an order deciding the motion." MCR 2.119(F)(1). Defendants claim that they were entitled to wait until the amended judgment was entered on November 18, 2015, because the September 9, 2015 orders were not final orders. However, Defendants cite no authority that extends the 21-day period of MCR 2.119(F)(1) if the order at issue is not a final order. On that basis alone, the Court has discretion to deny the motion.

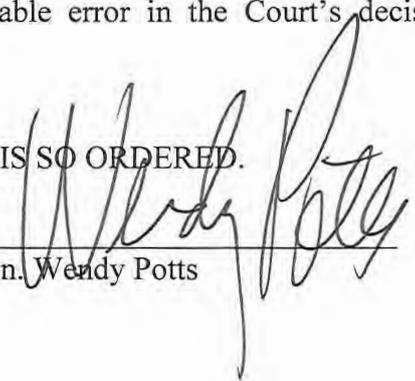
Even if the Court were to accept and consider Defendants' late motion, Defendants fail to demonstrate palpable error warranting reconsideration. MCR 2.119(F)(3). All of Defendants'

arguments were or could have been raised before the Court entered the September 9, 2015 orders. Defendants cannot demonstrate grounds for reconsideration by reiterating arguments that were raised and rejected in 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 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 in the Court's decisions, the motion for reconsideration is denied.

Dated: **DEC 28 2015**

IT IS SO ORDERED.



Hon. Wendy Potts