

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND

SECTOR 7, LLC,

Plaintiff,

v

Case No. 15-145347-CK

Hon. Wendy Potts

YOURAREACODE, LLC,

Defendant.

OPINION AND ORDER RE: DEFENDANT'S MOTION FOR RECONSIDERATION

At a session of Court
Held in Pontiac, Michigan

OCT 30 2015

Defendant YourAreaCode, LLC moves the Court to reconsider its decision denying summary disposition of Plaintiff Sector 7, LLC's claims. 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).

The sole issue meriting reconsideration is Defendant's argument that the Court's order should have dismissed Plaintiff's Count II alleging conversion. Defendant claims that the Court concluded that Plaintiff is not entitled to seek money damages and the equipment was returned. The Court agrees with Defendant that Plaintiff is not entitled to seek damages for conversion because there is no evidence that Plaintiff demanded that Defendant return the equipment or that Defendant refused to do so. *Gum v Fitzgerald*, 80 Mich App 234, 239; 262 NW2d 924 (1977). To the extent that Plaintiff is seeking money damages for the alleged conversion, the Court

grants Defendant partial summary disposition of Count II by dismissing that claim for relief. However, the Court concluded that Plaintiff may be entitled to an order that Defendant return the property, and there is a question of fact whether the property has been returned. Thus, it is premature to dismiss Count II in its entirety.

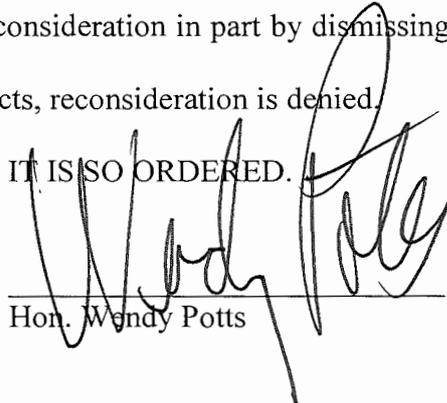
Defendant's remaining arguments for reconsideration were addressed in the briefing on the summary disposition motion and in the Court's bench opinion. Defendant cannot demonstrate grounds for reconsideration by reiterating arguments that were raised and rejected in the Court's decision on the original motion. *Churchman v Rickerson*, 240 Mich App 223, 233; 611 NW2d 333 (2000). The fact that Defendant disagrees 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).

For all of these reasons, the Court grants reconsideration in part by dismissing Plaintiff's claim for damages for conversion. In all other respects, reconsideration is denied.

IT IS SO ORDERED.

Dated:

OCT 30 2015



Hon. Wendy Potts