

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

MEMO FINANCIAL SERVICES USA, INC,

Plaintiff,

v.

Case No: 2015-146149-CK

Hon. Wendy Potts

NAIMI PROPERTIES EAST, INC, et al,

Defendants.

OPINION AND ORDER RE: DEFENDANTS' MOTION FOR RECONSIDERATION

At a session of Court
Held in Pontiac, Michigan
On

DEC 10 2015

Defendants move the Court to reconsider its decision denying their motion to set aside the confessed judgment. 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).

Most of Defendants' arguments for reconsideration were raised in its motion to set aside the confessed judgment. 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

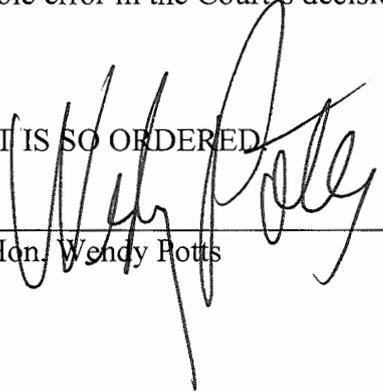
Defendants disagree with the Court's reasoning or conclusions does not amount to palpable error. *Herald Co v Tax Tribunal*, 258 Mich App 78, 83; 669 NW2d 862 (2003).

The Court notes that Defendants claim to have found Pennsylvania case law supporting their argument that a confessed judgment must be based on a sum certain, citing *Bennett v Haley*, 142 Pa 253, 257; 21 A 814 (1891). However, at no point in that opinion does the Supreme Court of Pennsylvania hold that all confessed judgments must be based on a sum certain. Rather, the *Bennett* decision was premised on the language of the warrant at issue. Defendants cite no Pennsylvania authority holding that all confessed judgments must be based on a sum certain.

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

Dated: DEC 10 2015

IT IS SO ORDERED



Hon. Wendy Potts