

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND

GENEVIEVE A. DESMOND, et al,

Plaintiffs,

v

Case No. 15-146639-CK
Hon. Wendy Potts

SHATTUCK ARMS ASSOCIATES, LLC,
et al,

Defendants.

OPINION AND ORDER RE: PLAINTIFF'S MOTION FOR RECONSIDERATION OF
THE COURT'S JULY 11, 2016, ORDER DENYING PLAINTIFF'S UPDATED
MOTION FOR LIMITED RELIEF REGARDING AND/OR MODIFICATION OF
PROTECTIVE ORDER

At a session of Court
Held in Pontiac, Michigan

On

~~_____~~
AUG 05 2016

Plaintiff, Genevieve Desmond, moves the Court to reconsider its decision denying her motion for limited relief regarding and/or modification of protective order. 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 Desmond's arguments were or could have been raised before the Court issued its order, and she cannot demonstrate palpable error based on arguments that the Court considered before making its decision. *Churchman v Rickerson*, 240 Mich App 223, 233; 611 NW2d 333 (2000). The Court does recognize that the July 11, 2016, Order provides that the parties entered

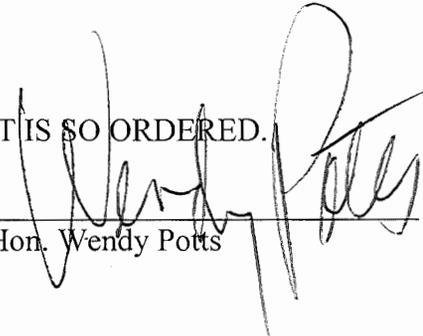
into a “stipulated protective order” on November 5, 2015, in error and that the November 5, 2015, protective order was approved as to form only. In lieu of this, the Court will issue an amended order to correct the language. However, the Court reviewed and considered Plaintiff’s motion for limited relief regarding and/or modification of protective order, Defendant’s response to the motion, and Plaintiff’s reply brief in support prior to issuing its July 11, 2016, Order. The fact that Desmond disagrees with this 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 Plaintiff fails to demonstrate palpable error in the Court’s decision and the motion for reconsideration is denied.

Dated:

AUG 05 2016

IT IS SO ORDERED.



Hon. Wendy Potts