

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND

COMPUTER ANALYST SERVICES
AND SUPPORT, INC,

Plaintiff,

v

Case No. 15-146752-CB
Hon. Wendy Potts

NMRS HOLDINGS, LLC, et al

Defendants.

OPINION AND ORDER RE: PLAINTIFF'S MOTION FOR RECONSIDERATION

At a session of Court
Held in Pontiac, Michigan

On
MAY 04 2015

Plaintiff Computer Analyst Services and Support, Inc. moves the Court to reconsider its decision denying its motion for preliminary injunction. 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 Plaintiff's arguments were or could have been raised before the Court issued its opinion. Plaintiff cannot demonstrate palpable error based on arguments that could have been raised in their motion or response brief. *Churchman v Rickerson*, 240 Mich App 223, 233; 611 NW2d 333 (2000). The fact that Plaintiff disagrees with this Court's reasoning or legal

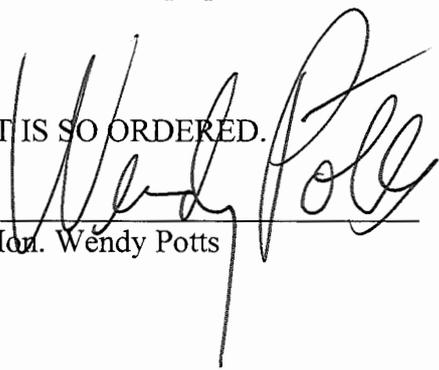
conclusions does not amount to palpable error. *Herald Co v Tax Tribunal*, 258 Mich App 78, 83; 669 NW2d 862 (2003).

Plaintiff's claim in its reconsideration motion that the Court made findings of fact in its preliminary injunction decision is without merit. The Court merely repeated the factual allegations stated in the parties' briefs and evidence and considered those allegations in applying the preliminary injunction factors. The Court's decision whether to issue an injunction order is a matter of discretion, *Schadewald v Brule*, 225 Mich App 26, 39; 570 NW2d 788 (1997), and Plaintiff fails to show any abuse of the Court's discretion.

For all of these reasons, Plaintiff fails to demonstrate palpable error in the Court's decision and the motion for reconsideration is denied.

IT IS SO ORDERED.

Dated: **MAY 04 2015**



Hon. Wendy Potts