

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

LAWRENCE F. JASPER, II,
Plaintiff,

Case No. 2015-147901-CB
Hon. Wendy Potts

v

BLOOMFIELD VILLAGE INVESTOR
HOLDINGS, LLC, DONALD J. NEWMAN,
CRG CAPITAL PARTNERS, STEVE TOWLE,
PCCP, LLC, and REDICO, LLC,
Defendants.

**OPINION AND ORDER RE: PLAINTIFF’S MOTION FOR RECONSIDERATION OF
THE ORDER ISSUED ON MARCH 29, 2016**

At a session of Court
Held in Pontiac, Michigan

On

JUN 14 2016

This matter is before the Court on Plaintiff’s “Motion for Reconsideration of the Ordered [sic] Issued on March 29, 2016 Supporting the Brief & Motion to Quash, the Court’s Review of the Second Amended Complaint.” The Court dispenses with oral argument pursuant to MCR 2.119(F)(2).

In review of Plaintiff’s motion, the Court relies on MCR 2.119(F)(3), which provides in relevant part:

[A] motion for rehearing or reconsideration which merely presents the same issues ruled on by the court, either expressly or by reasonable implication, will not be granted. The moving party must demonstrate a palpable error by which the court and the parties have been misled and show that a different disposition of the motion must result from correction of the error.

“The grant or denial of a motion for reconsideration rests within the discretion of the trial court.” *Charbeneau v Wayne Cty. Gen. Hosp.*, 158 Mich App 730, 733; 405 NW2d 151 (1987).

By way of background, the Court issued an Opinion and Order Re: Defendants' Summary Disposition Motions and Plaintiff's Motion for Declaration on February 23, 2016, wherein the Court dismissed Plaintiff's claims against Defendants PCCP, Towle, BVI, and Redico and denied Plaintiff's Motion for Declaration. Thereafter, Plaintiff timely filed his motion for reconsideration and corresponding amendment.¹

Plaintiff also filed a Second Amended Complaint on March 1, 2016 wherein he asserted the same claims against Defendants PCCP, Towle, BVI, and Redico that were dismissed with prejudice by the Court on February 23, 2016. In response, Defendants filed a Motion to Strike Jasper's Second Amended Complaint. The Court subsequently issued an Opinion and Order on March 29, 2016, thereby granting Defendants' motion and striking Plaintiff's Second Amended Complaint.

Plaintiff has now filed this Motion for Reconsideration in which he requests the Court to:

- (1) Rescind the February 23, 2016 Opinion and Order;
- (2) Grant Plaintiff's prior Motion for Declaration;
- (3) Grant his motion to quash Defendants' Motion to Strike Jasper's Second Amended Complaint;
- (4) Order Defendants PCCP, Towle, BVI, and Redico to answer the Second Amended Complaint and provide discovery; and
- (5) Order that the case be mediated on June 8, 2016 by Tom Harding.

In terms of procedure, the Court directs Plaintiff's attention to the April 15, 2016 Opinion and Order Re: Plaintiff's Motion for Reconsideration and Corresponding Amendment, which denied reconsideration of the February 23, 2016 Opinion and Order Re: Defendants' Summary Disposition Motions and Plaintiff's Motion for Declaration. Accordingly, the Court shall not again reconsider the February 23, 2016 Opinion and Order or Plaintiff's Motion for Declaration.

In consideration of Plaintiff's arguments as they relate to the Court's March 29, 2016 Opinion and Order, it is clear that Plaintiff disagrees with the Court's prior decision to strike his Second Amended Complaint. However, Plaintiff's arguments fail to demonstrate a palpable error by which the

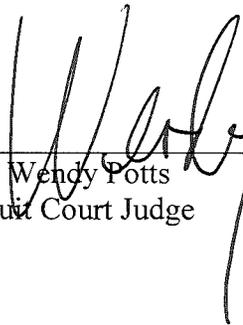
¹ On April 15, 2016, the Court issued an Opinion and Order denying Plaintiff's Motion for Reconsideration and Corresponding Amendment.

Court and the parties have been misled and show that a different disposition of the motion must result from correction of the error.

Accordingly, the Court hereby denies Plaintiff's "Motion for Reconsideration of the Ordered [sic] Issued on March 29, 2016 Supporting the Brief & Motion to Quash, the Court's Review of the Second Amended Complaint."

IT IS SO ORDERED.

Dated: JUN 14 2016



Hon. Wendy Potts
Circuit Court Judge