

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

ROBERT LORRAINE,

Plaintiff,

v

MICHIGAN ALTERNATIVE, LLC, et al.,

Defendants.

15-149656-CB

Case No. ~~15-149656-CB~~

Hon. Wendy Potts

**OPINION AND ORDER RE: PLAINTIFF'S MOTION FOR REHEARING AND
RECONSIDERATION**

At a session of Court
Held in Pontiac, Michigan
On

OCT 20 2016

This matter is before the Court on Plaintiff's Motion for Rehearing and Reconsideration. On June 21, 2016, the Court granted Defendants' motion for summary disposition, and Plaintiff subsequently filed a motion for reconsideration on July 12, 2016. On August 31, 2016, the Court ordered that Defendants could file a response to Plaintiff's motion within 14 days, and Defendants timely filed a response on September 14, 2016. Plaintiff is now requesting that the Court grant its motion for reconsideration and vacate the Opinion and Order granting Defendants' motion for summary disposition. The Court dispenses with oral argument pursuant to MCR 2.119(F)(2).

MCR 2.119(F) governs Motions for Rehearing or Reconsideration. The decision whether to grant or deny reconsideration is discretionary. MCR 2.119(F)(3); *Charbeneau v Wayne County General Hosp*, 158 Mich App 730, 733; 405 NW2d 151 (1987). MCR 2.119(F)(3) 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.

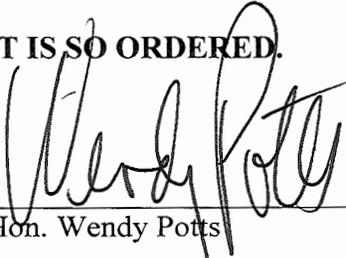
Plaintiff asserts that reconsideration is appropriate in the instant matter because there remain genuine issues of material fact based on a new affidavit attached to the motion. Plaintiff further argues that there remains a genuine issue of material fact with respect to the cause of action related to the real estate investment properties. In response, Defendants assert that Plaintiff's new affidavit fails to establish any genuine issue of material fact, just as the initial affidavit did. Defendants further argue that Plaintiff's new claims regarding the real estate contradict his own verified complaint and also violate the statute of frauds.

The fact that Plaintiff 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). Plaintiff cannot demonstrate grounds for reconsideration by reiterating arguments that could have been or were raised and rejected in the Court's decision on the original motion. *Churchman v Rickerson*, 340 Mich App 223, 233; 611 NW2d 333 (2000). Plaintiff fails to demonstrate palpable error warranting reconsideration. MCR 2.119(F)(3).

Accordingly, Plaintiff's Motion for Reconsideration is hereby denied in its entirety.

Dated: OCT 20 2016

IT IS SO ORDERED.



Hon. Wendy Potts