

STATE OF MICHIGAN
14TH CIRCUIT COURT FOR THE COUNTY OF MUSKEGON
BUSINESS COURT DIVISION

SECURA INSURANCE, A Mutual
Company

Plaintiff,

File No. 12-48218-CK
Hon. Neil G. Mullally

JOY THOMAS;
DELORES SWINGLER-REID;
and CARL REID

Defendants.

_____/
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DELORES SWINGLER-REID
CARL REID
Defendants In Pro Per
1039 Hidden Creek
Norton Shores, MI 49441

JOY THOMAS
Defendant In Pro Per
2771 Pierce Brennen Court
Lawrenceville, GA 30043

OPINION & ORDER RE:
MOTION FOR RECONSIDERATION

In this matter, one of the Co-Defendants, Delores Swingler-Reid, who is not an attorney, has filed an in pro per Motion for Reconsideration. She has filed the motion on behalf of all the Co-Defendants.

At the outset, the Court finds that the motion does not apply to the Co-Defendants Carl Reid and Joy Thomas because Delores Swingler-Reid is not an attorney and may not represent them or file pleadings on their behalf.

On June 27, 2013, the Court granted the Plaintiff's Motion for Summary Disposition voiding the insurance policies at issue in this case, based upon wrongful

conduct, fraud, and misrepresentation by the Co-Defendants. No Motion for Reconsideration was filed related to that order. That order did not address the amount of damages the Plaintiff was entitled to recover.

On September 25, 2013, the Plaintiff filed its Motion for Summary Disposition with respect to damages. It should be emphasized that the amounts the Plaintiff requested for damages were sums actually paid out for insurance benefits, attorney fees, and costs, resulting from the improper conduct of the Co-Defendants. Those damages totaled \$68,787.24. At the motion hearing on October 18, 2013, the Court granted the Co-Defendants thirty days from October 18, 2013 to object to the amount of damages. The Court told Delores Swingler-Reid on the record that she could request an opportunity to review within that 30-day period damage amounts that were the basis of the Motion for Reconsideration. Also, at the hearing on October 18, 2013, the Court granted the defense attorney's motion to withdraw as counsel for the Co-Defendants.

On October 31, 2013, Delores Swingler-Reid filed a Motion for Reconsideration, which requested an itemization of the damage amounts claimed by the Plaintiff. The Motion contained other requests for relief that the Court denies because they do not demonstrate a palpable error by which the Court and the parties have been misled. MCR 2119(F)(3) However, the Court finds that Delores Swingler-Reid's request to review an itemization of the damages as contained in her Motion for Reconsideration was filed within the thirty-day time period granted to her by the Court at the hearing on October 18, 2013, and the Court hereby grants her that relief.

On the same date that Delores Swingler-Reid filed her Motion for Reconsideration, October 31, 2013, the Plaintiff filed its proposed order granting its Motion for Summary Disposition concerning damages, under the seven day rule of MCR

2.602. Because Delores Swingler-Reid's Motion for Reconsideration was filed the same date, the Motion for Reconsideration was not considered as an objection to that proposed order, and the proposed order was presented for signature. The Court signed the order granting summary disposition as to damages on November 8, 2013.

ORDER

Based upon the above sequence of events, the Court hereby denies Delores Swingler-Reid's Motion for Reconsideration as to all issues raised therein, except for reviewing an itemization of the damages, with her right preserved to object to the reasonableness of the damages after reviewing the itemization. The Court further orders that enforcement of the November 8, 2013, order granting summary disposition as to all Co-Defendants shall be stayed pending review of the itemized damages claimed by the Plaintiff. Plaintiff shall furnish to Delores Swingler-Reid the itemizations within sixty days from the date of this Opinion and Order, and shall file a proof of service when that information is provided to Delores Swingler-Reid. Delores Swingler-Reid shall then have forty-five days after the date of service to file objections to the amount of the itemized damages. If Delores Swingler-Reid fails to file objections within that time period, the Plaintiff may proceed to enforce the November 18, 2013 order granting summary disposition as to damages.

IT IS SO ORDERED.

Dated: December 10, 2013



Neil G. Mullally P22857
14th Circuit Business Court Judge