

STATE OF MICHIGAN  
MACOMB COUNTY CIRCUIT COURT

JOHN E. BUTERBAUGH and  
CARRIE BUTERBAUGH,

Plaintiffs,

vs.

Case No. 2012-4691-CH

SELENE FINANCIAL, LP, JPMORGAN  
MORTGAGE ACQUISITION CORP.,  
AS TRUSTEE FOR THE UNKNOWN  
TRUST, and UNKNOWN TRUST,

Defendants.

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OPINION AND ORDER

Plaintiffs have filed a motion for reconsideration of the Court's February 5, 2014 Opinion and Order granting Defendants summary disposition and denying Plaintiffs' request for leave to amend their complaint.

In the interests of judicial economy the factual and procedural statements set forth in the Court's February 5, 2014 Opinion and Order are herein incorporated.

Motions for reconsideration must be filed within 21 days of the challenged decision. MCR 2.119(F)(1). 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. MCR 2.119(F)(3). A motion for reconsideration which merely presents the same issue ruled upon by the Court, either expressly or by reasonable implication, will not be granted. *Id.* The purpose of MCR 2.119(F)(3) is to allow a trial court to immediately correct any obvious mistakes it may have made in ruling on a motion, which would otherwise be subject

to correction on appeal but at a much greater expense to the parties. *Bers v Bers*, 161 Mich App 457, 462; 411 NW2d 732 (1987). The grant or denial of a motion for reconsideration is a matter within the discretion of the trial court. *Cole v Ladbrooke Racing Michigan, Inc*, 241 Mich App 1, 6-7; 614 NW2d 169 (2000).

The Court has reviewed Plaintiffs' present motion as well as their original response to Defendants' motion. Having done so, the Court is not convinced Plaintiffs are entitled to relief. Plaintiffs have failed to demonstrate a palpable error by which the Court and the parties have been misled such that a different disposition of the original petition must result from correction of the error. Accordingly, Plaintiffs' motion must be denied.

*Conclusion*

For the reasons discussed above, Plaintiffs' motion for reconsideration of the Court's February 5, 2014 Opinion and Order is DENIED. Pursuant to MCR 2.602(A)(3), this Opinion and Order this matter REMAINS CLOSED.

IT IS SO ORDERED.

/s/ John C. Foster  
JOHN C. FOSTER, Circuit Judge

Dated: March 4, 2014

JCF/sr

Cc: *via e-mail only*  
John and Carrie Buterbaugh, [jcbuterbaugh@gmail.com](mailto:jcbuterbaugh@gmail.com)  
David M. Dell, Attorney at Law, [ddell@orlans.com](mailto:ddell@orlans.com)