

STATE OF MICHIGAN
MACOMB COUNTY CIRCUIT COURT

SARMAD BRIKHO,

Plaintiff,

vs.

Case No. 2014-3977-CB

SHANT SHIRINIAN, SHIRINIAN INVESTMENTS,
LLC, VAN 8 COLLISION, INC., GARY
CUNNINGHAM, and GARY H. CUNNINGHAM,
P.C.

Defendants,

and

CHOICE AUTOMOTIVE GROUP, LLC, d/b/a
Chase Automotive Leasing,

Nominal Defendant.

OPINION AND ORDER

Defendants have filed a motion for reconsideration of the Court's February 2, 2016 Opinion and Order.

In the interests of judicial economy the factual and procedural statements set forth in the Court's February 2, 2016 Opinion and Order are herein incorporated.

I. Standard of Review

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 grant or denial of a motion for reconsideration is a matter within the discretion of the trial court. *Cole v Ladbroke Racing Michigan, Inc*, 241 Mich App 1, 6-7; 614 NW2d 169 (2000).

II. Arguments and Analysis

In their motion, Defendants contend that the Court erred in requiring the Receiver to place Six Hundred Twenty One Thousand One Hundred Fifty Two and 79/100 Dollars (\$621,152.79) into escrow pending resolution of this matter. However, Defendants have not cited to any caselaw, statutes, court rules or other authority, other than one citation to the statute governing minority oppression claims, in support of their position.

The Court's decision to place the funds at issue into escrow was made under MCR 2.622(E)(3), which provides that any proposed payments by a receiver to a party to the action may not be made without leave of the Court. While Defendants aver that the Court's ruling was inappropriate, they have failed to support their position in any way. A party may not merely state a position and then leave it to the Court to rationalize and discover the basis for the claim, nor may he leave it to the Court to search for authority to sustain or reject his position. *People v Mackle*, 241 Mich App 583, 604 n 4; 617 NW2d 339 (2000). Based on Defendants' failure to properly support their motion, the motion will be denied.

III. Conclusion

For the reasons set forth above, Defendants' motion for reconsideration of the Court's February 2, 2016 Opinion and Order is DENIED. In compliance with MCR 2.602(A)(3), the Court states this Opinion and Order does not resolve the last claim and does not close the case.

IT IS SO ORDERED.

Date: MAR 24 2016

Kathryn A. Viviano
Hon. Kathryn A. Viviano, Circuit Court Judge