

STATE OF MICHIGAN

MACOMB COUNTY CIRCUIT COURT

MACK RIDGEWAY BUILDING, LLC,

Plaintiff,

Case No.2014-4641-CB

vs.

NORTHFIELD INSURANCE COMPANY,

Defendant.

---

OPINION AND ORDER

Plaintiff has filed a motion for reconsideration of the Court's July 23, 2015 Opinion and Order denying its motion for partial summary disposition and granting Defendant summary disposition of Plaintiff's breach of contract claim to the extent that Plaintiff alleged that its insurance claim was covered under Section D of the Policy.

In the interest of judicial economy the factual and procedural statements set forth in the Court's July 23, 2015 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 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 Ladbroke Racing Michigan, Inc*, 241 Mich App 1, 6-7; 614 NW2d 169 (2000).

## II. Arguments and Analysis

The sole basis for Plaintiff's motion reconsideration is that the building had "collapsed" with the meaning of Section D of the policy. However, the Court has already addressed the parties arguments with respect to that issue in its January 23, 2015 Opinion and Order. 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. MCR 2.119(F)(3). Based on Plaintiff's failure to present any issues not previously addressed in the July 23, 2015 Opinion and Order, the Court is convinced that Plaintiff has failed to present a basis for reconsideration. Accordingly, Plaintiff's motion for reconsideration will be denied.

## III. Conclusion

For the reasons set forth above, Plaintiff's motion for reconsideration of the Court's July 23, 2015 Opinion and Order is DENIED. Pursuant to MCR 2.602(A)(3), the Court states this Opinion and Order neither resolves the last pending claim nor closes the case.

IT IS SO ORDERED.

Date: SEP 14 2015

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