

STATE OF MICHIGAN  
MACOMB COUNTY CIRCUIT COURT

J.K. POOLS, INC. and  
CHERYL KARALLA,

Plaintiffs,

vs.

Case No. 2015-1557-CB

JOSEPH J. KARALLA, JR.,

Defendant.

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OPINION AND ORDER

Plaintiffs have filed a motion for reconsideration of the Court's September 23, 2015 Opinion and Order denying their request for preliminary injunctive relief.

In the interests of judicial economy the factual and procedural statements set forth in the Court's September 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

In their motion, Plaintiffs merely rehash one of the same arguments they made in their original motion: that a preliminary injunction may be issued to hold funds belonging to the Defendant in order to secure a pool of money for a potential future judgment. 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 Plaintiffs' failure to do anything more than revisit an issue already addressed and ruled upon this Court, Plaintiffs' motion must be denied.

## III. Conclusion

Based upon the reasons set forth above, Plaintiffs' motion for reconsideration of the Court's September 23, 2015 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: OCT 13 2015

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