

STATE OF MICHIGAN  
MACOMB COUNTY CIRCUIT COURT

FIVE BROTHERS MORTGAGE  
COMPANY SERVICES AND  
SECURING, INC.,

Plaintiff,

Case No. 2015-340-CB

vs.

THE MCCUE MORTGAGE COMPANY,

Defendant.

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OPINION AND ORDER

Defendant has filed a motion for reconsideration of the Court's August 3, 2015 Opinion and Order denying Defendant's motion for summary disposition pursuant to MCR 2.116(C)(1).

In the interests of judicial economy the factual and procedural statements set forth in the Court's August 3, 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 support of its motion, Defendant first contends that the Agreement was negotiated in either Texas or Connecticut. However, even if the Agreement were negotiated in Texas or Connecticut, this Court did not base its August 3, 2015 Opinion and Order on where the Agreement was negotiated. Consequently, Defendant's argument is immaterial.

The remainder of Defendant's motion revisits the issue of whether this Court's exercise of subject matter jurisdiction comports with due process. However, that issue has already been addressed by the Court in its August 3, 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 Defendant's mere regurgitation of same issue previous raised and addressed by the Court in connection with Defendant's original motion, the Court is convinced that Defendant's motion for reconsideration must be denied.

## III. Conclusion

Based on the foregoing, Defendant's motion for reconsideration of the Court's August 3, 2015 Opinion and Order is DENIED. The Court states this Opinion and Order neither resolves all pending matters, nor closes the case. MCR 2.602(A)(3).

IT IS SO ORDERED.

Date: OCT 06 2015

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