

STATE OF MICHIGAN
MACOMB COUNTY CIRCUIT COURT

E.J. PECK, INC.,

Plaintiff,

vs.

Case No. 2015-810-CB

WOLVERINE PLATING CORPORATION,

Defendant.

OPINION AND ORDER

Defendant has filed a motion for reconsideration of the portion of the Court's January 4, 2016 Order denying its motion to compel Plaintiff to provide documents pursuant to requests for production no. 4 and 5.

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 Ladbrooke Racing Michigan, Inc*, 241 Mich App 1, 6-7; 614 NW2d 169 (2000).

II. Arguments and Analysis

In its motion, Defendant contends that the Court erred in denying its motion to compel discovery with respect to requests for production no. 4 and no. 5 without prejudice. However, upon reviewing the motion, Defendant's motion relies upon the same arguments advanced in its original motion and at the January 4, 2016 hearing held in connection with the original motion. 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 failure to raise any new basis for its request, and its mere regurgitation of the same argument already raised and ruled upon, the Court remains satisfied that Defendant's motion is properly denied.

III. Conclusion

Based upon the reasons set forth above, Defendant's motion for reconsideration of a portion of the Court's January 4, 2016 Order is DENIED. In compliance with MCR 2.602(A)(3), the Court states this Opinion and Order neither resolves the last claim nor closes the case.

IT IS SO ORDERED.

Date: JAN 29 2016

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