

STATE OF MICHIGAN
MACOMB COUNTY CIRCUIT COURT

CON-SYS-INT. MANUFACTURING
U.S.A., LLC, d/b/a ELECTRA-TECH
MANUFACTURING, LLC, TIM
DOTZENROTH, JOHN POLISTENA,
and FRANK SORESI,

Plaintiffs,

vs.

Case No. 2016-505-CB

ANASTACIOS BASSAKOS, JAMES
BRANDIE and ROBERT LABUTTE,

Defendants.

OPINION AND ORDER

Plaintiffs have filed a motion for partial reconsideration of the Court's August 2, 2016 Opinion and Order granting, in part, Defendants' motion for summary disposition.

In the interests of judicial economy the factual and procedural statements set forth in the Court's August 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 purpose of MCR 2.119(F)(3) is to allow a trial court to immediately correct any obvious mistakes it may

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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 seek reconsideration of the Court's entry of summary disposition in favor of Defendants as to Count I-III and VII. However, the only count specifically addressed in the motion is Count VII. Consequently, Plaintiffs' motion for summary disposition of the portion of the August 2, 2016 Opinion and Order granting Defendants summary disposition as to Counts I-III must be denied.

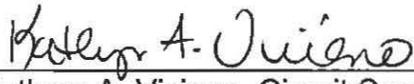
With respect to Count VII, the Court held that Plaintiffs' claim fails to state a claim upon which relief can be granted. The Court's decision was based on the fact that JF is not a party to this matter and that "[r]elief cannot be granted against non-parties." *Cicotte v Anciaux*, 53 Mich 227, 237-238; 18 NW 793 (1884). Count VII seeks to declare that Plaintiffs Electra-Tech and Dotzenroth are entitled to indemnification in connection with other cases before this Court from JF. (See First Amended Complaint, at ¶¶200-201.) Specifically, in their request for relief with regards to Count VII, Plaintiffs seek a: "judgment in favor of Dotzenroth and Electra-Tech declaring that Dotzenroth and Electra-Tech are entitled to indemnity and reimbursement from JFUS...." In their motion, Plaintiffs aver that their dispute is not between them and JF. However, that is clearly not accurate as they seek to obtain relief from JF. Consequently, the Court is convinced that Plaintiffs' position is without merit and that their motion must be denied.

III. Conclusion

For the reasons discussed above, Plaintiffs' motion for reconsideration of the Court's August 2, 2016 Opinion and Order is DENIED. Pursuant to 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: SEP 26 2016



Kathryn A. Viviano, Circuit Court Judge