

STATE OF MICHIGAN
MACOMB COUNTY CIRCUIT COURT

PAULA BELKNAP,

Plaintiff,

vs.

Case No. 2012-1949-CB

PATRICK CHMIEL and
PATRICK CHMIEL, CPA, PLLC,

Defendants.

OPINION AND ORDER

Defendants have filed a motion for summary disposition pursuant to MCR 2.116(C)(7), (8) and (10). Plaintiff has filed a response and requests that Defendants' motion be denied.

Factual and Procedural History

This matter was originally assigned to Judge Peter J. Maceroni. On May 30, 2012, the Court entered its initial scheduling order in this matter ("First Order"), pursuant to which all summary disposition motions were to be filed no later than February 25, 2013.

On December 20, 2013, the parties stipulated to, and the Court entered, an amended scheduling order ("Second Order"). The Second Order extended the discovery and summary disposition dates by sixty (60) days.

On May 30, 2013, the Court kindly granted Defendants' motion for leave to file a late motion for summary disposition. On July 29, 2013, the Court heard the motion, and ultimately denied the motion for reasons stated on the record. Defendants did not file a motion for reconsideration of the Court's Order, and they did not seek to appeal the decision.

On October 29, 2014, Defendants filed a motion to transfer this matter to the specialized business docket. In addition, on the same day Defendants filed their instant motion for summary disposition based on the identical arguments advanced in their initial motion.

On November 24, 2014, this matter was transferred to the specialized business docket and this Court. The Court since reviewed Defendants' motion for summary disposition, as well as Plaintiff's response. As stated above, the instant motion contains the identical issues previously raised and ruled on by the Court. Moreover, the motion was filed over a year after the extended deadline for filing dispositive motions. Based on the fact that the motion has already been heard, and ruled on, as well Defendants' filing this motion almost a year after the deadline provided in the Second Order, the Court is convinced that Defendants' motion is properly denied.

Conclusion

For the reasons discussed above, Defendants' motion for summary disposition 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.

/s/ John C. Foster
JOHN C. FOSTER, Circuit Judge

Dated: January 22, 2015

JCF/sr

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