

STATE OF MICHIGAN

MACOMB COUNTY CIRCUIT COURT

WILLIAM GOULECHI, JOANNE GOULECHI,
MICHAEL VUKICH, ISABEL VUKICH,
ROBERT PACHLA, LAURIE PACHLA,
DAVID STAPELS, MICHAEL MEGACNK,
PETER FUCIARELLI, MARY FUCIARELLI,
MICHAEL MAZZARA, ELIZABETH MAZZARA,
NICK SOURIS, MARY SOURIS,
MICHAEL KOUSTICK and TINA KOUSTICK,

Plaintiffs,

vs.

Case No. 2012-5578-CZ

PHILLIP SERRA AND CANDY SERRA,

Defendants.

_____ /

OPINION AND ORDER

Plaintiffs have filed a motion for reconsideration of the portions of the Court's October 28, 2013 Opinion and Order granting, in part, Defendants' motion for summary disposition.

Motions for reconsideration are provided for in MCR 2.119. A motion for reconsideration is addressed to the sound discretion of the trial court. *In re: Beglinger Trust*, 221 Mich App 273, 279; 561 NW2d 130 (1997). Such a motion is not to be granted unless 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 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(s) ruled upon by the Court, either expressly or by reasonable implication, will not be granted. *Id.* The purpose of MCR 2.119(F) 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). Unless the Court directs otherwise, there is no oral argument on the motion for reconsideration. MCR 2.119(F)(2).

The Court has reviewed Plaintiffs' present motion as well as the October 28, 2013 Opinion and Order. Having done so, the Court is not convinced Plaintiffs are entitled to reconsideration. Plaintiffs have failed to demonstrate a palpable error by which the Court and the parties have been misled such that a different disposition of the original motion must result from correction of the error. Instead, the motion for reconsideration requests "this Court reconsider the portions of the October 28, 2013 Opinion and Order, which granted in part Defendants' motion for Summary Disposition." The moving party must demonstrate a palpable error by which the Court and the parties have been misled and show a different disposition of the motion must result from correction of the error. MCR 2.119(F)(3). However, Plaintiffs' motion fails to demonstrate the existence of palpable error or even assert that an error exists. Therefore, Plaintiffs' motion for reconsideration must be denied.

Conclusion

For the reasons set forth above, Plaintiffs' motion for reconsideration is DENIED. Pursuant to MCR 2.602(A)(3), this Opinion and Order neither resolves the last pending claim nor closes this case.

IT IS SO ORDERED.

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

Dated: November 22, 2013

JCF/sr

Cc: *via e-mail only*

Vincenzo Manzella, Attorney at Law, mhintz@lucidolaw.com

Sam Serra, Attorney at Law, serraandisopipc@comcast.net