

STATE OF MICHIGAN

MACOMB COUNTY CIRCUIT COURT

MARJI INVESTMENTS, a Michigan limited liability company,

Plaintiff,

vs.

Case No. 2013-647-CK

ROCKY MAYNARD, KEN MAYNARD, and R-DEX INVESTMENTS, a Michigan limited liability company, jointly and severally,

Defendants.

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OPINION AND ORDER

Plaintiff has filed a motion for reconsideration of the Court's October 28, 2013 Order granting Defendants' motion for summary disposition as to Defendants Rocky Maynard and Ken Maynard only.

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 Plaintiff's present motion as well as the October 28, 2013 Order. Having done so, the Court is not convinced Plaintiff is entitled to reconsideration. Plaintiff's motion merely revisits the same issues addressed by the parties in their initial pleadings and the Court during the October 28, 2013 hearing held in connection with Defendants' 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). Plaintiff's motion merely presents the same issue previously addressed by the Court. Accordingly, Plaintiff has failed to provide a basis upon which this Court finds reconsideration is warranted. Consequently, Plaintiff's motion must be denied.

*Conclusion*

For the reasons set forth above, Plaintiff's motion for reconsideration of the Court's October 28, 2013 Order is DENIED. Pursuant to MCR 2.602(A)(3), this matter remains OPEN.

IT IS SO ORDERED.

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

Dated: December 2, 2013

JCF/sr

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