

STATE OF MICHIGAN

SIXTEENTH JUDICIAL CIRCUIT COURT

ECP COMMERCIAL II LLC,
a Delaware limited liability company,

Plaintiff,

Case No. 2015-273-CB

vs.

TOWN CENTER FLATS, LLC, a
Michigan limited liability company,

Defendant/Counter-Plaintiff,

and

VINCENT DILORENZO and
ANGELA TINERVIA,

Defendants..

OPINION AND ORDER

Defendant Town Center Flats, LLC ("Defendant TCF") has filed a motion for reconsideration of the Court's November 28, 2017 Opinion and Order.

In the interests of judicial economy the factual and procedural statements set forth in the Court's November 28, 2017 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 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 & Analysis

In its motion, Defendant TCF relies on the same arguments advanced in response to Plaintiff's motion for summary disposition of Defendant TCF's counter-complaint. For the reasons discussed in this Court's Opinion and Order addressing that motion, Defendant TCF's positions are either unsupported, without merit, or barred by the release within the Third Amendment. Accordingly, Defendant TCF's motion for reconsideration must be denied.

III. Conclusion

Based upon the reasons set forth above, Defendant TCF's motion for reconsideration of the Court's November 28, 2017 Opinion and Order is DENIED. This Opinion and Order neither resolves the last claim nor closes the case. See MCR 2.602(A)(3).

IT IS SO ORDERED.

Date: MAR 16 2018

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