

STATE OF MICHIGAN  
SIXTEENTH JUDICIAL CIRCUIT COURT

RITA LITTLE and CLIFFORD  
LITTLE, individually and as  
Representatives of the HERITAGE  
POINTE ASSOCIATION,

Plaintiffs,

Case No. 2016-1159-CB

vs.

HUGH CAIRNS, JANICE VICKS,  
ERICKA BRYANT, HERITAGE  
POINTE ASSOCIATION, and MAKOWER,  
ABBATE, GUERRA, WEGNER VOLLMER,  
PLLC,

Defendants.

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OPINION AND ORDER

Plaintiffs have filed a motion for reconsideration of the Court's March 8, 2017 Opinion and Order granting Defendant Makower Abbate Guerra Wegner Vollmer, PLLC ("Defendant MAGWV") partial summary disposition.

In the interests of judicial economy the factual and procedural statements set forth in the Court's March 8, 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 Ladbroke Racing Michigan, Inc*, 241 Mich App 1, 6-7; 614 NW2d 169 (2000).

## II. Arguments and Analysis

In their motion, Plaintiffs contend that this Court erred in holding that Defendant MAGWV did not know that the 2015 assessment was invalidate while they were attempting to collect it on behalf of the HPA. Specifically, Plaintiffs argue that Defendant MAGWV knew that the assessment was invalid because due to the allegations within the complaints and other pleadings filed in this matter and the 4161 Case, as well as the May 5, 2016 Opinion and Order in the 4161 Case. However, MAGWV's knowledge of mere allegations does not amount to knowledge of wrongdoing and Plaintiffs do not allege that MAGWV did anything improper following the May 5, 2016 Opinion and Order. Consequently, the "evidence" cited by Plaintiffs do not warrant reconsideration of the March 8, 2017 Opinion and Order.

## III. Conclusion

Based on the foregoing, Plaintiffs' motion for reconsideration of the Court's March 8, 2017 Opinion and Order is DENIED. Pursuant to MCR 2.602(A)(3), the Court states this Opinion and Order neither resolves the last pending claim nor closes the case.

IT IS SO ORDERED.

Date: APR 04 2017

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