

STATE OF MICHIGAN
SIXTEENTH JUDICIAL CIRCUIT COURT

TOWN CENTER DEVELOPMENT CO, INC.,

Plaintiff,

vs.

Case No. 2017-3542-CB,

PND INVESTMENTS, LLC, WOLVERINE
BUILDING COMPANY, LLC, MIDTOWN
VILLAGE LOFTS, LLC, MBANK, and
WOLVERINE BANCORP, INC,

Consolidated with:
Case No. 2017-2194-CB,

Defendants.

OPINION AND ORDER

Plaintiff has filed a motion for reconsideration of the Court's February 8, 2018
Opinion and Order.

In addition, Defendants PND Investments, LLC and Midtown Village Lofts, LLC
(collectively, "Movants") have filed a motion for sanctions. Plaintiff has filed a response
and requests that the motion be denied.

In the interests of judicial economy the factual and procedural statements set
forth in the Court's February 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).

I. Arguments & Analysis

Plaintiff's motion focuses on its position that collateral estoppel does not bar its claims in this matter. However, that issue has been addressed repeatedly by this Court. A motion for rehearing or reconsideration which merely presents the same issues ruled on by the court, either expressly or by reasonable implication, will not be granted. MCR 2.119(F)(3). Based on the fact that Plaintiff's motion merely presents arguments already addressed by this Court, its motion for reconsideration must be denied.

Turning to Movants' motion for sanctions, Movants assert that Plaintiff should be sanctioned for filing its instant motion for reconsideration. Specifically, Movants argue that Plaintiff's motion is merely a delay tactic that should be sanctioned. While the Court is satisfied that Plaintiff's motion is without merit and should be denied, it is not persuaded that sanctions for filing the motion are appropriate. Movants were not required, or even entitled, to file anything in response to Plaintiff's motion for reconsideration. Moreover, Movants were not required to file a motion for sanctions, or to schedule that unrequired motion for a hearing. While Plaintiff's filing of its instant motion may have operated to delay the final resolution of this case to a small extent,

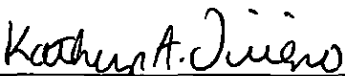
causing such a delay by filing a motion Plaintiff was entitled to file under MCR 2.119 does not constitute grounds for imposing sanctions. For these reasons, Movant's motion for sanctions will be denied.

II. Conclusion

Based upon the reasons set forth above, Plaintiff's motion for reconsideration of the Court's February 8, 2018 Opinion and Order is DENIED. In addition, Movant's motion for sanctions is DENIED. This matter remains CLOSED. See MCR 2.602(A)(3).

IT IS SO ORDERED.

Date: MAR 18 2018



Hon. Kathryn A. Viviano, Circuit Court Judge