

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF LIVINGSTON

FMG CONCRETE CUTTING, INC,
Plaintiff,

v.

Case No. 20-30866-CB
Hon. Michael P. Hatty

MANTICORE CONSTRUCTION SERVICES,
LLC and ARRON INNES.,
Defendants,

**OPINION AND ORDER DENYING PLAINTIFF'S
MOTION FOR RECONSIDERATION**

At a session of the 44th Circuit Court,
held in the City of Howell, Livingston County,
on the 23rd day of February, 2022.

THIS MATTER comes before the Court on Plaintiff's Motion for Rehearing or Reconsideration of this Court's December 28, 2021 Opinion and Order Granting Plaintiff's Motion for Preliminary Injunction. This Court, being fully advised in the premises, DENIES Plaintiff's Motion for the reasons stated herein.

A motion for reconsideration under MCR 2.119(F)(3) requires the moving party to "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." "'Palpable' is defined... as '[e]asily perceptible, plain, obvious, readily visible, noticeable, patent, distinct, manifest.'" *Stamp v Mill Street Inn*, 152 Mich App 290, 294; 393 NW2d 614 (1986), quoting Black's Law Dictionary (5th ed), p 1000. Responses and oral arguments are not permitted unless ordered by the Court MCR 2.119(F)(2). MCR 2.119(F)(3) further provides that "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."

This Court finds that Plaintiff has failed to demonstrate the requisite showing for the relief requested. Specifically, Plaintiff takes issue with operative language of this Court's opinion and order granting its request. However, that language was lifted directly from Plaintiff's request for relief in the underlying motion. This Court further finds that the proper method to address Plaintiff's concerns in the instant motion is either through requesting relief in addition to the that requested in the underlying motion or through enforcement of this Court's previous orders.

IT IS SO ORDERED.



Michael P. Hatty
Circuit Court Judge