

STATE OF MICHIGAN
IN THE SIXTH CIRCUIT COURT FOR THE COUNTY OF OAKLAND

THEORIA MEDICAL, PLLC,
A Michigan Professional
Limited Liability Company,

Case No: 2022-193805-CK

Plaintiff,

Hon. Victoria Valentine

v.

Willie Hester, Jr., M.D.

Defendant.

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OPINION AND ORDER REGARDING PLAINTIFF'S MOTION FOR RECONSIDERATION

At a session of said Court held on the
21st day of September 2022 in the County of
Oakland, State of Michigan
PRESENT: HON. VICTORIA A. VALENTINE

This matter is before the Court on Plaintiff's motion for reconsideration of the Court's Opinion and Order Regarding Defendant's Motion for Summary Disposition entered on August 12, 2022.

MCR 2.119(F)(3) provides:

(3) Generally, and without restricting the discretion of the 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. 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.

The grant or denial of a motion for reconsideration is within the discretion of the trial court. *Kokx v Bylenga*, 241 Mich App 655 (2000); *Cason v Auto Owners Insurance Co*, 181 Mich App 600 (1989).

A motion for rehearing or reconsideration brought pursuant to MCR 2.119(F) will not be granted if the motion merely presents the same issues ruled on by the Court, either expressly or by reasonable implication. *Cason v Auto Owners Insurance, Company*, 181 Mich App 600 (1989).

Further, the Court may correct clerical mistakes in its orders and judgments. MCR 2.612(A)(I) states in pertinent part:

Clerical mistakes in judgments, orders, or other parts of the record and errors arising from an oversight or omission may be corrected by the court at any time on its own initiative or on motion of a party and after notice, if the court orders it.

On page 3 of the Opinion and Order entered on August 12, 2022, the Court inadvertently referred to Plaintiff as “Defendant.” Accordingly, the Court’s Amended Opinion Regarding Defendant’s Motion for Summary Disposition, entered contemporaneous with this Opinion, corrects this clerical error as well as clarifies that it is Defendant’s position that is set forth in the Opinion and Order entered on August 12, 2022.

THEREFORE, IT IS HEREBY ORDERED that Plaintiff’s Motion for Reconsideration is granted in part and denied in part.

IT IS SO ORDERED.



/s/Victoria A. Valentine