

STATE OF MICHIGAN
SIXTEENTH JUDICIAL CIRCUIT COURT

MITCHELL BINKOWSKI

Plaintiff/Counter-Defendant,

vs.

Case No. 2023-001522-CK

JJ LOGISTICS, INC., JERRY VESKOVSKY
and JANINA WASKOWSKA

Defendants/Counter-Plaintiffs,

CONSOLIDATED WITH

IRON HOOK, LLC,

Plaintiff/Counter-Defendant,

vs.

Case No. 2024-000104-CB

JJ LOGISTICS, INC, JERRY
VESKOVSKY and JANINA WASKOWSKA,

Defendants/Counter-Plaintiffs and
Third-Party Plaintiffs.

vs.

ANDY BINKOWSKI, GEOGE NOSIS,
MICH'S AUTO PARTS, INC, and MITCHELL
BINKOWSKI,

Third-Party Defendants

_____/

OPINION AND ORDER

This matter is before the Court on Defendants/Counter-Plaintiffs Jerry Veskovsky, Janina Waskowska, and JJ Logistics, Inc.'s, motion for reconsideration of the Court's October 9, 2025, Opinion and Order (October Order) following the parties' submission of trial briefs, testimony, and evidence. In the interests of judicial economy, the background from the October Order is incorporated here.

I. Standard of Review

A party bringing a motion for reconsideration must establish (1) the trial court made a palpable error and (2) a different disposition would result from correction of the error. MCR 2.119(F)(3); *Luckow v Luckow*, 291 Mich App 417, 426; 805 NW2d 453 (2011). A motion for reconsideration that “merely presents the same issues ruled upon by the court, either expressly or by reasonable implication, will not be granted.” MCR 2.119(F)(3). It is within the trial court’s sound discretion to determine whether to grant a motion for reconsideration. *Cole v Ladbroke Racing Michigan*, 241 Mich App 1, 6-7; 614 NW2d 169 (2000). A court does not abuse its discretion in denying a motion for reconsideration “resting on a legal theory and facts which could have been pled or argued prior to the trial court’s original order.” *Chareneau v Wayne Co Gen Hospital*, 158 Mich App 730, 733; 405 NW2d 151 (1987).

II. Analysis

Defendants/Counter-Plaintiffs argue the Court erred when it entered the October Order without holding oral arguments as the parties stipulated in a May 15, 2025 stipulated order.

In the May 15, 2025 stipulated order, the parties agreed to waive their right to trial by judge and jury and that the Court would issue its ruling after the parties submitted trial briefs and exhibits and after holding oral arguments. Although the Court did not hold oral arguments, its findings of fact and conclusions of law in the October Order are the product of its careful review and analysis of three trial briefs and over 700 pages of exhibits, including deposition


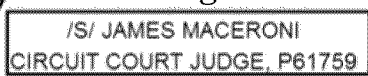
testimony. While Defendants/Counter-Plaintiffs assert “oral argument was the sole remaining opportunity for the parties to present and clarify their positions before the Court,” they have not identified any error in the substance of the October Order, nor have they explained how oral arguments would have changed the Court’s rulings in the October Order. Thus, they have not established the Court made a palpable error and that a different outcome would result from correction of such error had one occurred. Accordingly, reconsideration of the October Order is unwarranted.

III. Conclusion

For the reasons set forth above, Defendants/Counter-Plaintiffs motion for reconsideration is DENIED. This Opinion and Order neither resolves the last pending claim nor closes this case. See MCR 2.602(A)(3).

IT IS SO ORDERED.




HON. JAMES M. MACERONI P61759
Circuit Court Judge

/S/ JAMES MACERONI
CIRCUIT COURT JUDGE, P61759

Date: November 26th, 2025

