

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

RITA HUBBARD-KLIK,

Plaintiff,

v.

Case No. 08-10052
Honorable Patrick J. Duggan

UNITED AMERICAN PAYROLL 17, INC.,
and RYAN SHERMAN,

Defendants.

OPINION AND ORDER

At a session of said Court, held in the U.S.
District Courthouse, Eastern District
of Michigan, on April 30, 2009.

PRESENT: THE HONORABLE PATRICK J. DUGGAN
U.S. DISTRICT COURT JUDGE

After this Court granted summary judgment to Defendants in this case on December 18, 2008, they filed a Bill of Costs. The Clerk of the Court taxed costs in the amount Defendants' requested on January 15, 2009. Plaintiff, through counsel, then filed objections, asking the Court to not tax costs in this case. In support of her request, Plaintiff asserted *inter alia* that she has suffered financial hardship as a result of her separation from her employment with Defendants and has been unable to secure a permanent job.

In an opinion and order issued on March 24, 2009, this Court rejected Plaintiff's objections finding, with respect to her claim of financial hardship, that she failed to

provide documentary support for her claim. On April 17, 2009, this Court received a letter from Plaintiff, indicating that she cannot afford Defendants' requested costs at this time and offering documentary support for her claim. The Court will construe Plaintiff's letter as a motion for reconsideration.

Eastern District of Michigan Local Rule 7.1(g) provides that a motion for reconsideration only should be granted if the movant demonstrates that the Court and the parties have been misled by a palpable defect and that a different disposition of the case must result from a correction of such a palpable defect. E.D. Mich. LR 7.1(g)(3). A motion that merely presents the same issues already ruled upon by the Court shall not be granted. *Id.* Rule 7.1(g) requires motions for reconsideration to be filed within ten (10) days after entry of the judgment or order for which reconsideration is sought. E.D. Mich. LR 7.1(g)(1).

Plaintiff's motion is untimely. In any event, the Court finds her documentary evidence insufficient to demonstrate a palpable defect in the Court's decision. The documentary evidence Plaintiff offers— "Claim Information" from the Michigan Unemployment Insurance Agency— fails to demonstrate that she is "incapable, as a practical matter and as a matter of equity," of paying Defendants' costs. *Weaver v. Toombs*, 948 F.2d 1004, 1014 (6th Cir. 1991). This document, alone, does not demonstrate that Plaintiff lacks the means to pay the costs awarded.

Accordingly,

IT IS ORDERED, that Plaintiff's April 17, 2009 request that costs not be

awarded to Defendants is **DENIED**.

s/PATRICK J. DUGGAN
UNITED STATES DISTRICT JUDGE

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