

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

Chrysler Group LLC,

Plaintiff,

v.

Case No. 10-12984

South Holland Dodge, Inc., *et al.*,

Honorable Sean F. Cox

Defendants;

*Consolidated with*

Livonia Chrysler Jeep, Inc., a Michigan  
for profit corporation,

Plaintiff,

v.

Case No. 10-13290

Chrysler Group, LLC, *et al.*,

Honorable Sean F. Cox

Defendants;

*Consolidated with*

Chrysler Group LLC,

Plaintiff,

v.

Case No. 10-13908

Sowell Automotive, Inc., *et al.*,

Honorable Sean F. Cox

Defendants.

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**ORDER DENYING**  
**FRED MARTIN MOTOR COMPANY'S MOTION FOR RECONSIDERATION**  
**(DOCKET ENTRY NO. 469)**

In an Order issued on April 11, 2013 (Docket Entry No. 467), this Court denied Fred Martin Motor Company's March 13, 2013 Motion for Separate Trial. In denying the motion, this Court noted that, in substance, Fred Martin's March 13, 2013 motion was a motion seeking reconsideration of this Court's *March 27, 2012 Opinion & Order*. Fred Martin asked the Court to reconsider its ruling that the Court need not reach the constitutional issue given its interpretation of Section 747. Fred Martin asserted that the "constitutional issues remain ripe for determination" and asked this Court to grant it a separate trial, wherein the Court would rule upon the constitutionality of Section 747. As explained more fully in this Court's April 11, 2013 Order, this Court denied the motion for two reasons. First and foremost, the Court denied the motion because this Court has already determined that the Constitutional issue is not implicated by the Court's interpretation of Section 747, and Fred Martin's motion asking the Court to reconsider that ruling was untimely and improper. Second, the Court denied the motion because Fred Martin lacks standing because it has not establish that it will be injured by Section 747 as interpreted by this Court.

On April 22, 2013, Fred Martin filed a Motion for Reconsideration (Docket Entry No. 469) wherein it seeks reconsideration of this Court's April 11, 2013 Order. In substance, this is Fred Martin's second motion seeking reconsideration of this Court's March 27, 2012, Opinion & Order.

Local Rule 7.1 of the Local Rules of the Eastern District of Michigan governs motions for reconsideration and provides:

(3) Grounds. Generally, and without restricting the court's discretion, the court will not grant motions for rehearing or reconsideration that merely present the same issues ruled upon by the court, either expressly or by reasonable implication. The movant must not only demonstrate a palpable defect by which

the court and the parties and other persons entitled to be heard on the motion have been misled but also show that correcting the defect will result in a different disposition of the case.

*See* Eastern District of Michigan, Local Criminal Rule 7.1(h)(3).

Having reviewed Fred Martin's Motion for Reconsideration, this Court concludes that Fred Martin has not demonstrated a palpable defect by which the Court or any parties have been misled.

Accordingly, IT IS ORDERED that Fred Martin's Motion for Reconsideration is DENIED.

IT IS SO ORDERED.

S/Sean F. Cox  
Sean F. Cox  
United States District Judge

Dated: May 29, 2013

I hereby certify that a copy of the foregoing document was served upon counsel of record on May 29, 2013, by electronic and/or ordinary mail.

S/Jennifer McCoy  
Case Manager