

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

KESLER ASSOCIATES, INC.,

Plaintiff,

v.

Case No. 10-CV-13390

HONORABLE DENISE PAGE HOOD

WELLMAN PLASTICS RECYCLING, LLC,

Defendant.

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**ORDER DENYING PLAINTIFF'S MOTION FOR SUPPLEMENTATION**

Now before the Court is Plaintiff's Motion for Supplementation of Court's Ruling on September 27, 2012. Plaintiff notes that it does not disagree with the Court's ruling, but asks the Court to supplement its Order Denying Defendant's Motion for Summary Judgment based on Plaintiff's previous arguments that there was no consideration or dispute, necessary elements for accord and satisfaction. The Court will direct Plaintiff to footnote one of the September 27, 2012 Order, in which the Court provided:

Plaintiff attempts to reargue in its response that there was no consideration, no dispute, and the check was not issued in good faith. The Court has already considered these arguments at length and will not readdress them here. The Court concluded in its August 18, 2011 order that Plaintiff had failed to demonstrate that there was a genuine issue of material fact as to the first three elements of accord and satisfaction [Docket No. 25]. Specifically, the Court found that Defendant had offered the check in good faith as full satisfaction of the claims, the claim amount was unliquidated, and Plaintiff received the payment. *See* MICH. COMP. LAWS § 440.3311(1).

[Docket No. 51, Pg ID 618]. The Court will not reconsider these issues.

Accordingly,

**IT IS ORDERED** that Plaintiff's Motion for Supplementation [Docket No. 54, filed October 18, 2012] is **DENIED**.

**IT IS SO ORDERED.**

S/Denise Page Hood  
Denise Page Hood  
United States District Judge

Dated: January 17, 2013

I hereby certify that a copy of the foregoing document was served upon counsel of record on January 17, 2013, by electronic and/or ordinary mail.

S/LaShawn R. Saulsberry  
Case Manager