UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MICHIGAN SOUTHERN DIVISION

ORDOS CITY HAWTAI AUTOBODY COMPANY, LTD, ET AL.,

Plaintiffs,

No. 13-14909

v.

District Judge Sean F. Cox Magistrate Judge R. Steven Whalen

DIMOND RIGGING COMPANY, LLC, D/B/A ABSOLUTE RIGGING & MILLWRIGHTS,

Defendant.

ORDER DENYING RECONSIDERATION

On April 21, 2015, I entered an order [Doc. #93] granting in part and denying in

part Plaintiffs' motion for sanction based on discovery abuses. In that order, I denied the

extreme sanction of a default judgment, and instead sanctioned Defendant's attorney in

the amount of \$500. Before the Court is Defendant's motion for reconsideration [Doc.

#94] of my April 21, 2015 order.

Motions for reconsideration are subject to E.D. Mich. L.R. 7.1(g)(3), which

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 have been misled but also show that correcting the defect will result in a different disposition of the case."

In my order imposing monetary sanctions, I referenced Defendant's deficient discovery responses regarding the production of his tax returns and insurance policies, matters that the Plaintiffs specifically raised in their motion for sanctions. However,

Defendant did not file a response to that motion. Rather, Defendant now raises arguments that could have been, and should have been raised when the motion was before me. And notwithstanding the failure to respond to the original motion, I imposed a sanction that was significantly less severe than that requested by the Plaintiff. The Defendant's protestations come too late. Moreover, viewing Defendant's motion for reconsideration along with the Plaintiff's response [Doc. #99], I can identify no "palpable defect by which the court and the parties have been misled."

Accordingly, Defendant's motion for reconsideration [Doc. #94] is DENIED. IT IS SO ORDERED.

> s/ R. Steven Whalen R. STEVEN WHALEN UNITED STATES MAGISTRATE JUDGE

Dated: June 15, 2015

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was sent to parties of record on June 15, 2015, electronically and/or by U.S. mail.

s/Carolyn M. Ciesla Case Manager to the Honorable R. Steven Whalen