

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JOHN GREINER,

Plaintiff,

Case No. 14-cv-13979

Hon. Matthew F. Leitman

v.

CHARTER COUNTY OF
MACOMB, MICHIGAN, a/k/a
MACOMB COUNTY, et al.,

Defendants.

**ORDER DENYING MOTIONS FOR
RECONSIDERATION (ECF ## 135 & 136)**

On September 11, 2017, this Court entered an Opinion and Order in which it granted summary judgment in favor of Defendant Michigan Council 25 American Federation of State, County, and Municipal Employees, AFL-CIO and granted summary judgment in part to Defendant Charter County of Macomb (the “Opinion and Order”). (*See* ECF #117.) Plaintiff John Greiner subsequently filed eight motions for reconsideration directed at the Opinion and Order. (*See* ECF ## 118, 119, 121, 122, 125, 126, 128, and 129.) The Court reviewed all eight motions and issued orders denying them. (*See* ECF ## 124, 127, and 131.) In the order denying Plaintiff’s two most recent motions for reconsideration, the Court prohibited Plaintiff from filing any additional motions for reconsideration directed toward the

Opinion and Order. (*See* ECF #131.) The prohibition covered only additional motions for reconsideration of the Opinion and Order. (*See id.*)

Plaintiff has now filed a motion for reconsideration of the Court's order barring him from filing any additional motions for reconsideration directed toward the Opinion and Order. (*See* ECF #135.) That motion is **DENIED** because Plaintiff has failed to demonstrate a palpable defect by which the Court and the parties have been misled and/or that correcting any such defect, if one existed, would result in a different disposition. *See* Local Rule 7.1(h).

The Court gave Plaintiff ample opportunity to demonstrate that reconsideration of the Opinion and Order was warranted. Indeed, the Court considered the arguments in Plaintiff's *eight* motions for reconsideration.

Plaintiff argues that the Court has not treated the parties equally. In support of his unfair treatment allegation, Plaintiff notes that while the Court has barred him from filing additional motions for reconsideration directed at the Opinion and Order, the Court permitted Defendant Charter County of Macomb (the "County") to file a second summary judgment motion attacking a claim that the County neglected to address in its first motion. (The claim in question was Plaintiff's First Amendment retaliation claim.)

Plaintiff's claim of unequal treatment is misplaced. The Court gave Plaintiff *eight* opportunities to demonstrate that reconsideration of the Opinion and Order was warranted and simply gave the County a second opportunity to show why Plaintiff's First Amendment retaliation claim failed as a matter of law. Moreover, there were important docket efficiency considerations that weighed in favor of permitting the County to move for summary judgment on Plaintiff's First Amendment retaliation claim. At the time the Court allowed the filing of that motion, the First Amendment retaliation claim was the sole claim remaining in the action. And based upon the Court's review of the material presented in connection with the County's original motion for summary judgment, the Court had reason to believe that the First Amendment retaliation claim, like Plaintiff's other claims, suffered from a fatal lack of evidence. It made sense from a docket efficiency standpoint to test the sufficiency of the evidence supporting the First Amendment retaliation claim through a summary judgment motion rather than proceeding directly to a jury trial on that claim.

Plaintiff also previously filed a motion for a stay of proceedings. (*See* ECF # 130.) The Court denied that motion. (*See* ECF #132.) Plaintiff has moved for reconsideration of the order denying the stay. (*See* ECF #136.) That motion is **DENIED** because Plaintiff has failed to demonstrate a palpable defect by which the

Court and the parties have been misled and/or that correcting any such defect, if one existed, would result in a different disposition. *See* Local Rule 7.1(h).

IT IS SO ORDERED.

s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

Dated: November 13, 2017

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on November 13, 2017, by electronic means and/or ordinary mail.

s/Holly A. Monda
Case Manager
(810) 341-9764