VS.

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MICHIGAN SOUTHERN DIVISION

Plaintiff,

Case No. 17-CV-13128

HON. GEORGE CARAM STEEH

MGM GRAND DETROIT, LLC,

Defendant.

ORDER GRANTING PLAINTIFF'S MOTION FOR RECONSIDERATION (Doc. 40)

On January 17, 2019, this court affirmed Magistrate Judge Majzoub's order granting Defendant MGM Grand, LLC's motion to compel Plaintiff's responses to discovery. Now before the court is Plaintiff's motion for reconsideration of that portion of this court's order affirming the imposition of costs and attorneys' fees incurred by Defendant in filing the motion to compel. Local Rule 7.1(h)(3) provides:

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.

Plaintiff argues, among other reasons, that the portion of this court's order

awarding attorney fees and costs should be reversed because the

Magistrate Judge did not order compliance with the original discovery

requests, but ordered Plaintiff to respond to revised requests. Under these

circumstances, and considering the vagaries of the law regarding discovery

of social media activity, Plaintiff has demonstrated a palpable defect and

Plaintiff's motion for reconsideration (Doc. 40) is GRANTED and

Defendant's bill of costs (Doc. 30) is DISMISSED AS MOOT.

IT IS SO ORDERED.

Dated: February 4, 2019

s/George Caram Steeh GEORGE CARAM STEEH

UNITED STATES DISTRICT JUDGE

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