

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JANYCE H. TILMON-JONES, individually
and in her capacity as Personal Representative
of the Estate of Abrim Tilmon, Jr.,

Plaintiff,

Case No. 06-14048

v.

Hon. John Corbett O'Meara

BRIDGEPORT MUSIC, INC., a
Michigan corporation, and
ARMEN BOLADIAN, an individual,

Defendants.

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

Before the court is Plaintiff's motion for reconsideration of this court's September 26, 2012 order granting Defendants' motion for sanctions. With leave of court, Defendants filed a response. Plaintiff also seeks leave to file a supplemental declaration in support of her motion for reconsideration and requests that the court take judicial notice of a complaint filed in the District of Maryland.

The standard for granting a motion for reconsideration is as follows:

Generally, and without restricting the court's discretion, the court will not grant motions for rehearing or reconsideration which merely present the same issues ruled upon by the court, either expressly or by reasonable implication. The movant shall 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.

LR 7.1(h)(3). A motion for reconsideration “is not properly used as a vehicle to re-hash old arguments or to advance positions that could have been argued earlier but were not.” Smith v. Mount Pleasant Schools, 298 F. Supp.2d 636, 637 (E.D. Mich. 2003) (citing Sault Ste. Marie Tribe of Chippewa Indians v. Engler, 146 F.3d 357, 374 (6th Cir. 1998)).

After reviewing the extensive briefing in this case, the court concludes that Plaintiff has raised arguments that were already considered by the court or should have been raised originally. Plaintiff has not demonstrated that reconsideration is warranted here. The court further finds that Plaintiff’s supplemental filings (Docket Nos. 133 and 134) are not relevant to the matter at hand.

Accordingly, IT IS HEREBY ORDERED that Plaintiff’s October 10, 2012 motion for reconsideration is DENIED.

IT IS FURTHER ORDERED that Plaintiff’s March 5, 2013 motions for judicial notice (Docket No. 133) and for leave to file supplemental declaration (Docket No. 134) are DENIED.

s/John Corbett O'Meara
United States District Judge

Date: April 12, 2013

I hereby certify that a copy of the foregoing document was served upon counsel of record on this date, April 12, 2013, using the ECF system.

s/William Barkholz
Case Manager