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

## FANNIE MAE,

Case No. 12-11479

Plaintiff/Counter-Defendant,

Honorable John Corbett O'Meara

v.

RENE JEAN LEMAIRE, CHERI LEMAIRE, et. al.,

Defendants/Counter-Plaintiffs.

## ORDER DENYING DEFENDANTS' MOTION FOR RECONSIDERATION AND <u>DEFENDANTS' MOTION TO ALTER OR AMEND</u>

This matter came before the court on two nearly identical motions filed by defendants Rene

Jean and Cheri Lemaire. Both motions seek reconsideration of the court's December 20, 2012 order

granting plaintiff Fannie Mae's motion to dismiss and to remand.

Local Rule 7.1(3) provides the following grounds upon which a motion for reconsideration

may be granted:

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 their motion for reconsideration, Defendants have failed to demonstrate a palpable defect

by which the court and the parties have been misled. Moreover, Defendants have presented the

same issues ruled upon by the court as well as those that could have been litigated in their previous

case against One West Bank. Thus, there are no grounds for granting the motion.

## **ORDER**

It is hereby **ORDERED** that Defendants' motion for reconsideration and motion to alter or amend are **DENIED**.

<u>s/John Corbett O'Meara</u> United States District Judge

Date: September 19, 2013

I hereby certify that a copy of the foregoing document was served upon counsel of record on this date, September 19, 2013, using the ECF system.

<u>s/William Barkholz</u> Case Manager