

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

HELEN LIPIN,

Plaintiff,

v.

UNUM LIFE INSURANCE COMPANY OF
AMERICA,

Defendant.

Case No. 13-12049

Honorable John Corbett O'Meara

**ORDER DENYING PLAINTIFF' MOTION FOR RECONSIDERATION AND
DENYING WITHOUT PREJUDICE PLAINTIFF'S MOTION FOR ATTORNEY FEES**

This matter came before the court on plaintiff Helen Lipin's September 17, 2014 motion for reconsideration of this court's order of remand to the plan administrator and September 24, 2014 motion for attorney fees. Defendant UNUM Life Insurance Company filed a response to the motion for attorney fees October 8, 2014. No oral argument was heard on the motions.

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.

LR 7.1(h)(3).

Plaintiff Lipin's motion for reconsideration "merely present[s] the same issues ruled upon by the court, either expressly or by reasonable implication." Lipin has failed to "demonstrate a palpable defect by which the court and the parties . . . have been misled." Accordingly, the court must deny the motion for reconsideration.

The court will deny Plaintiff's motion for attorney fees without prejudice. Following final resolution of this matter, the parties may file motions for attorney fees pursuant to 29 U.S.C. § 1132(g).

ORDER

It is hereby **ORDERED** that plaintiff Helen Lipin's September 17, 2014 motion for reconsideration is **DENIED**.

It is further **ORDERED** that plaintiff Helen Lipin's September 24, 2014 motion for attorney fees is **DENIED WITHOUT PREJUDICE**.

s/John Corbett O'Meara
United States District Judge

Date: February 24, 2015

I hereby certify that a copy of the foregoing document was served upon counsel of record on this date, February 24, 2015, using the ECF system.

s/William Barkholz
Case Manager