

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

WATERMARK SENIOR LIVING  
RETIREMENT COMMUNITIES, INC.,

Plaintiff,

Case No. 17-11886

v.

Hon. John Corbett O'Meara

MORRISON MANAGEMENT  
SPECIALISTS, INC.

Defendant.

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

Before the court is Plaintiff's motion for reconsideration of the court's August 22, 2017 opinion and order granting Defendant's motion to dismiss. 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 rehash 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 (6<sup>th</sup> Cir. 1998)).

Having filed a motion that reiterates arguments already considered by the court, Plaintiff has not demonstrated a “palpable defect” by which the court and parties have been misled.

IT IS HEREBY ORDERED that Plaintiff’s motion for reconsideration is DENIED.

s/John Corbett O’Meara  
United States District Judge

Date: October 24, 2017

I hereby certify that a copy of the foregoing document was served upon counsel of record on this date, October 24, 2017, using the ECF system.

s/William Barkholz  
Case Manager