

POKAGON BAND OF POTAWATOMI INDIANS
TRIBAL COURT

58620 Sink Road, P.O. Box 355, Dowagiac, MI 49047

ESTATE OF RODNEY HOLMES,
Plaintiff

Case No. 10-701-CV

-vs-

Honorable David M. Peterson

FOUR WINDS CASINO RESORT,
POKAGON BAND OF POTAWATOMI
INDIANS, POKAGON GAMING ENTERPRISE
and/or POKAGON GAMING AUTHORITY,
a chartered instrumentality of the Pokagon
Band of Potawatomi Indians,
Defendants

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OPINION AND ORDER ON MOTION FOR RECONSIDERATION

INTRODUCTION

The Court is in receipt of Plaintiff's timely filed Brief and Motion for Reconsideration of the Court's Order granting summary disposition in favor of the Defendant.

STANDARD OF RECONSIDERATION

A motion for reconsideration is not addressed by current Tribal Court rules and according to the Tribal Court Code [10-21-2002], the Tribal Court must look to the rules of practice of Michigan (see Sections VII and VIII of the Pokagon Band of Potawatomi Indians Tribal Court Code and Section 11 of the Tort Claims Ordinance).

A motion for reconsideration which presents the same issues ruled on either expressly or by reasonable implication will not be granted. The moving party must

demonstrate palpable error by which the Court and the parties have been misled and show a different result from the correction of the error [MCR 2.119(F)(3)].

ANALYSIS

After reviewing this matter carefully, the Court is of the opinion that based on a totality of the circumstances and facts of this case, the Defendant's employees acted reasonably. The casino employees discharged their duty by providing immediate and adequate care and summoning assistance.

CONCLUSION

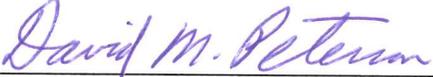
The Plaintiff's Complaint does not allege "malpractice" of a caregiver.

The Court fails to recognize palpable error has been demonstrated by which the Court or parties have been misled and a showing of a different disposition would result from correction of an error.

ORDER

For the above reasons, the Court finds no palpable error or different disposition and accordingly, the Motion for Reconsideration is denied.

Dated: May 10, 2012



David M. Peterson
Judge, Pokagon Band Tribal Court