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Knudson v. M/V Am. Spirit, 2019 U.S. Dist. LEXIS 32382

Copy Citation

United States District Court for the Eastern District of Michigan, Southern Division

February 26, 2019, Decided; February 26, 2019, Filed

Case No. 14-CV-14854

Reporter

2019 U.S. Dist. LEXIS 32382 *

JEFFREY TODD KNUDSON, Plaintiff, vs. M/V AMERICAN SPIRIT, et al., Defendants.

Core Terms

defendants', partial summary judgment, reconsideration motion, punitive damages, law law law, cross-motion, disposition of the case, federal labor, court failed, palpable, paying, reconsideration, contractually, inappropriate, unenforceable, declaration, enforceable, restricting, bargaining, contracted, correcting, foreclosed, negotiated, pleadings, provides, two-year, parties, ending, issues, misled

Counsel: [*1] For Jeffrey Todd Knudson, Plaintiff: Dennis M. O'Bryan, O'Bryan, Baun, Karamanian, Birmingham, MI.

For Jeffrey Todd Knudson, Plaintiff: [Phillip L. Sternberg](#) ▾, Couzens, Lansky, Farmington Hills, MI.

For Jeffrey Todd Knudson, Plaintiff: Jess G. Webster, Graham & Dunn PC Pier, Seattle, WA.

For American Steamship Company, a New York corporation, in personam, M/V AMERICAN INTEGRITY Official Number 592377, IMO # 7514696, in rem, Liberty Steamship Company, Defendants: [Markus Edgars Apellis](#) ▾, Gallagher Sharp, Cleveland, OH.

For American Steamship Company, a New York corporation, in personam; Liberty Steamship Company, Defendant: [Paul D. Galea](#) ▾, Gallagher Sharp, Detroit, MI.

For American Steamship Company, a New York corporation, in personam, Defendant: [Sarah Valeria Beaubien](#) ▾, Gallagher Sharp, Toledo, OH.

Judges: HON. [GEORGE CARAM STEEH](#) ▾, UNITED STATES DISTRICT JUDGE.

Opinion by: [GEORGE CARAM STEEH](#) ▾

Opinion

ORDER DENYING DEFENDANTS' MOTION FOR RECONSIDERATION (ECF NO. 141) AND DENYING DEFENDANTS' CROSS-MOTION FOR PARTIAL SUMMARY JUDGMENT (ECF NO. 138)

This matter has come before the court on defendants American Steamship Company's and Liberty Steamship Company's motion for reconsideration of this court's January 31, 2019 opinion and [*2] order granting plaintiff's motion for partial summary judgment on the pleadings (ECF No. 140). For the reasons stated below, defendants' motion for reconsideration is DENIED.

Local Rule 7.1(h)(3) of the Local Rules of the United States District Court for the Eastern District of Michigan provides:

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.

Defendants submit two palpable errors in their motion for reconsideration. First is that the court failed to adequately address defendants' federal labor law arguments regarding whether defendants were legally able to pay plaintiff more than \$8 a day in maintenance when that was the amount set in the Terms and Conditions. In fact, the court considered all of defendants' arguments in concluding that plaintiff was not covered by a collective [*3] bargaining agreement negotiated by a union. Thus, by implication, the court did not accept defendants' argument