

# Court of Appeals, State of Michigan

## ORDER

State Packard LLC v Artisan Bistro LLC

Docket No. 308546

LC No. 10-000665-CK

Jane E. Markey  
Presiding Judge

Joel P. Hoekstra

Jane M. Beckering  
Judges

The Court orders that the motion for reconsideration is DENIED. If defendant Artisan Bistro LLC had been represented by an attorney, as corporations are required to be, *Peters Production, Inc v Desnick Broadcasting Co*, 171 Mich App 283, 287; 429 NW2d 654 (1988), it could have made the arguments about setoff and mistake in calculating back rent because although the default established the LLC's liability, the LLC could have appeared to argue damages. *Kalamazoo Oil Co v Boerman*, 242 Mich App 75, 79; 618 NW2d 66 (2000). However, as a non-attorney, defendant Rice could not make those arguments on the LLC's behalf. The only claim against Rice was the one based on his personal guaranty for the LLC's indebtedness, and so, the only issue at trial was whether Rice should be held liable for the amount of the judgment properly entered against the LLC, and uncontested by that entity. Rice has not shown that when the circuit court found Rice liable, there was "a palpable error by which the court and the parties have been misled." MCR 2.119(F)(3).



A true copy entered and certified by Angela P. DiSessa, Acting Chief Clerk, on

JUL - 5 2013

Date

*Angela P. DiSessa*  
Acting Chief Clerk