

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN**

TIARA YACHTS, INC.,)	
)	
Plaintiff,)	Case No. 1:22-cv-603
)	
v.)	
)	Judge Robert J. Jonker
BLUE CROSS BLUE SHIELD OF)	
MICHIGAN,)	Magistrate Judge Ray Kent
)	
Defendant.)	
)	

**NOTICE REGARDING PLAINTIFF’S
MOTION TO ALTER OR AMEND JUDGMENT**

On March 27, 2023, pursuant to Federal Rule of Civil Procedure 59(e), Plaintiff Tiara Yachts, Inc. (“Tiara Yachts”) filed a Motion to Alter or Amend Judgment (ECF Nos. 28, 29) (hereinafter “Motion”) requesting that the Court “reconsider its ruling” granting Defendant Blue Cross Blue Shield of Michigan’s (“BCBSM’s”) Motion to Dismiss (ECF No. 23) and dismissing Tiara Yachts’ Complaint with prejudice. ECF No. 29, PageID.579; *see also id.* (characterizing the motion as “a Rule 59(e) motion for reconsideration”). This Court’s Local Rule 7.4(b) provides that “[n]o answer to a motion for reconsideration will be allowed unless requested by the court, but a motion for reconsideration will ordinarily not be granted in the absence of such request.” This Court applies Local Rule 7.4(b) to a Rule 59 motion for reconsideration, as Tiara Yachts’ Motion is. *See, e.g.,*

Matheny v. Kmart Corp., 2007 WL 2127661, at *1, *5 (W.D. Mich. July 23, 2007) (applying Local Rule 7.4(b) to motion to alter or amend judgment pursuant to Federal Rule 59(e), and stating that the Defendant should not have filed a response “before this court requested it to do so”); *ITT Indus., Inc. v. BorgWarner, Inc.*, 2006 WL 2811310, at *1 (W.D. Mich. Sept. 28, 2006) (applying Local Rule 7.4 to motion to alter or amend judgment); *Goldman v. Barrett*, 2018 WL 9838350, at *1 (W.D. Mich. July 18, 2018) (same); *Abnet v. Unifab Corp.*, 2006 WL 1982605, at *1 (W.D. Mich. July 12, 2006) (same).

Accordingly, although BCBSM opposes the relief requested in Tiara Yachts’ Motion, BCBSM understands that no answer to that Motion is permitted under Local Rule 7.4(b) unless the Court requests BCBSM to file an answer. BCBSM will file an answer if the Court so requests.

Dated: April 10, 2023

Respectfully submitted,

/s/ Tacy F. Flint

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