

[Cite as *Kinderdine v. Callos Staffing*, 2016-Ohio-5483.]

STATE OF OHIO, MAHONING COUNTY
IN THE COURT OF APPEALS
SEVENTH DISTRICT

TRACY KINDERDINE, et al.

PLAINTIFF-APPELLANTS

VS.

CALLOS STAFFING COMPANY, LLC, et al.

DEFENDANTS-APPELLEES

CASE NO. 2014 MA 0181

OPINION
AND
JUDGMENT ENTRY

CHARACTER OF PROCEEDINGS:

Motion for Reconsideration

JUDGMENT:

Denied.

JUDGES:

Hon. Mary DeGenaro
Hon. Cheryl L. Waite
Hon. Carol A. Robb

Dated: August 19, 2016

APPEARANCES:

For Plaintiff-Appellants

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PER CURIAM.

{¶1} Tracy Kinderdine, et al., Plaintiff-Appellants, filed a motion for reconsideration in the appeal of *Kinderdine et al., v. Callos Staffing Company, LLC*, 7th Dist. No. 14 MA 0174, 0177, 0180, 0181, 2016-Ohio-4815.

{¶2} "The test generally applied upon the filing of a motion for reconsideration in the court of appeals is whether the motion calls to the attention of the court an obvious error in its decision, or raises an issue for consideration that was either not considered at all or was not fully considered by the court when it should have been." *Columbus v. Hodge*, 37 Ohio App.3d 68, 523 N.E.2d 515 (1987), paragraph one of the syllabus.

{¶3} The purpose of reconsideration is not to reargue one's appeal based on dissatisfaction with the logic used and conclusions reached by an appellate court. *Victory White Metal Co. v. N.P. Motel Syst. Inc.*, 7th Dist. No. 04 MA 0245, 2005–Ohio–3828, ¶ 2. "An application for reconsideration may not be filed simply on the basis that a party disagrees with the prior appellate court decision." *Hampton v. Ahmed*, 7th Dist. No. 02 BE 0066, 2005–Ohio–1766, ¶ 16 (internal citation omitted). Nor is it "a mechanism to raise an entirely new argument and issue to the appellate court that was not raised in the appellate brief." *State v. Wellington*, 7th Dist. No. 14 MA 0115, 2015-Ohio-2095, ¶ 9.

{¶4} The Kinderdines concede that this Court applied the correct law and they have alleged no errors or defects in the proceedings. They argue that this Court "should have concluded that triable issues of fact exist." This Court fully considered the law and facts presented by this appeal when ruling on the matter. Because the Kinderdines' motion for reconsideration merely indicates disagreement with the

decision reached by the Court, as opposed to error, the motion for reconsideration is denied.

DeGenaro, J., concurs.

Waite, J., concurs.

Robb, J. concurs.