

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION
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In re: Case No. 9:16-bk-08276-FMD
Chapter 11

Gary Reed Sligar,

Debtor.

**ORDER DENYING
MOTION FOR RECONSIDERATION**

THIS CASE came on, without a hearing, on *The Solomon Law Group, P.A.'s Motion for Reconsideration of Order Denying Without Prejudice Motion for Summary Judgment Against Susan C. Sligar* (Doc. No. 186) (the "Motion"). The Motion requests that the Court reconsider its *Order Denying the Solomon Law Group, P.A.'s Motion for Summary Judgment* (Doc. No. 181). Having considered the Motion, the record, and the applicable law, the Court finds that the Motion should be denied.

In order to prevail on a motion for reconsideration under Federal Rule of Civil Procedure 59(e) as incorporated by Federal Rule Bankruptcy Procedure 9023, the moving party must demonstrate that the court committed clear legal error in its rulings that would result in a manifest injustice, that there has been an intervening change in controlling law, or that new evidence is available that could not have been presented prior to the entry of judgment.¹ A motion for reconsideration should not be used to reiterate arguments previously made but is appropriate when the court has patently misunderstood a party or made an error not of reasoning but of apprehension.² "Such problems rarely arise and the motion to reconsider should be equally rare."³

¹ *Burger King Corp. v. Ashland Equities, Inc.*, 181 F. Supp. 2d 1366, 1369 (S.D. Fla. 2002).

² *Id.*

³ *Id.* (internal citation omitted).

⁴ *Alexander v. HarperCollins Publishers, Inc.*, 132 F. App'x 250, 251 (11th Cir. 2005).

Motions for reconsideration are viewed with disfavor. Courts have discretion in whether to grant a motion for reconsideration, and the court's denial of a motion for reconsideration is reviewed for an abuse of discretion.⁴

Motions for reconsideration are often misused by litigants without a showing that Rule 59 applies to a court's ruling. As one district judge stated:

Far too often, litigants operate under the assumption, as Appellants do here, that any adverse ruling confers on them a license to move for reconsideration, and utilize such motion as a platform to relitigate issues that have already been decided or otherwise seek a "do over." Such use of Rule 59 is improper. Indeed, a court's order is not intended as a mere first draft, subject to revision at the litigant's whim.⁵

Here, Solomon Law Group merely rehashes the arguments made in its Motion for Summary Judgment. The Court considered those arguments prior to announcing its ruling and found that summary judgment was inappropriate.

Accordingly, it is

ORDERED that the Motion for Reconsideration is **DENIED**.

DATED: November 13, 2017.

/s/ Caryl E. Delano

Caryl E. Delano
United States Bankruptcy Judge

⁵ *Woide v. Fed. Nat'l Mortg. Ass'n (In re Woide)*, No. 6:16-cv-1484-Orl-37, 2017 WL 549160 at *2 (M.D. Fla. Feb. 9, 2017) (internal citations omitted).