ORDERED.

Dated: April 09, 2019

Karen S. Jennemann
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION
www.flmb.uscourts.gov

In re	)	
	)	
JULIE B. ZALLOUM,	)	Case No. 6:17-bk-02329-KSJ
	)	Chapter 13
Debtor.	)	
	)	

ORDER DENYING MOTION FOR RECONSIDERATION

This case came before the Court to consider the Debtor's Motion for Reconsideration of the Court's Orders and Memorandum Opinion entered on February 11, 2019.[1] Several months ago, the Court conducted a two-day trial on a creditor's Motion for Relief from Stay and the Debtor's objection to that creditor's claim. The Court then issued a memorandum opinion and related order that granted stay relief and overruled the Debtor's objection to claim.[2] Debtor timely sought reconsideration of the Court's Orders. The Motion is denied.

[1] Debtor's Motion is at Doc. No. 178. Debtor's husband submitted an affidavit in support of the Motion at Doc. No. 190. The Motion seeks reconsideration of Doc. Nos. 159, 160, 161, 162 (the "Court's Orders").
[2] The Motion seeks reconsideration of Doc. Nos. 159, 160, 161, 162 (the "Court's Orders").

Reconsideration of an order under Rule 59(e) "is an extraordinary remedy to be employed sparingly" due to interests in finality and conservation of judicial resources.[3] "A trial court's determination as to whether grounds exist for the granting of a Rule 59(e) motion is held to an 'abuse of discretion' standard."[4] Where courts have granted relief under Rule 59(e), they act to: (1) account for an intervening change in controlling law, (2) consider newly available evidence, or (3) correct clear error or prevent manifest injustice.[5] "Far too often, litigants operate under the assumption … 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."[6]

Debtor's Motion, for the most part, is merely a disagreement with the Court's rulings against her. Many of the issues the Debtor raises are purely appellate issues and not subject to reconsideration by this trial court. The Court will address one example of the Debtor's reconsideration arguments.

The "new evidence" raised by the Debtor are copies of e-mail exchanges between a witness, Patrick McGee, and the Debtor's husband Sam Zalloum. This hardly can be considered "new evidence." Debtor and Mr. Zalloum had these almost nine-year old emails before trial but chose not to use the e-mails as exhibits. "New evidence" may only form the basis of a successful

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[3] *Mathis v. United States (In re Mathis)*, 312 B.R. 912, 914 (Bankr. S.D. Fla. 2004) (quoting *Sussman v. Salem, Saxon & Nielsen, P.A.*, 153 F.R.D. 689, 694 (M.D. Fla. 1994)) (internal quotation marks omitted). Federal Rule of Civil Procedure 59 is incorporated into the Bankruptcy Code by Federal Rule of Bankruptcy Procedure 9023.

[4] *In re Mathis*, 312 B.R. at 914 (citing *Am. Home Assurance Co. v. Glenn Estess & Assocs.*, 763 F.2d 1237, 1238-39 (11th Cir. 1985) ("The decision to alter or amend judgment is committed to the sound discretion of the [trial] judge and will not be overturned on appeal absent an abuse of discretion.")).

[5] *In re Mathis*, 312 B.R. at 914 (citations omitted).

[6] *In re Woide*, No. 6:10-BK-22841-KSJ, 2017 WL 549160, at *2 (M.D. Fla. Feb. 9, 2017).

reconsideration motion if the evidence was unavailable at the time of the opinion.[7] This evidence was available and constitutes no basis for reconsideration.

Accordingly, it is

ORDERED that the Motion for Reconsideration (Doc. No. 178) is **DENIED.**

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The Clerk is directed to serve a copy of this order on all interested parties.

[7] *United States v. Weisman*, 651 F. App'x 858, 859–60 (11th Cir. 2016).