

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION**

In re:

KEVIN A. ROSA,

Case No. 6:10-bk-07799-ABB

Chapter 13

Debtor.

ORDER

This matter came before the Court on the Motion for Rehearing (Doc. No. 138) filed by GERALYN ROSA (“Movant”) seeking reconsideration of the Order entered on December 15, 2011 (Doc. No. 126). The Motion for Reconsideration is due to be denied for the reasons set forth herein.

Plaintiff’s Motion for Reconsideration is governed by Federal Rule of Civil Procedure 59, which is applicable to bankruptcy proceedings through Federal Rule of Bankruptcy Procedure 9023. Sussman v. Salem, Saxon & Nielson, P.A., 153 F.R.D. 689, 694 (M.D. Fla. 1994). “[R]econsideration of a previous order is an extraordinary remedy to be employed sparingly.” Id. The only grounds for granting a motion for reconsideration pursuant to Federal Rule of Bankruptcy Procedure 9023 “are newly-discovered evidence or manifest errors of law or fact.” Kellogg v. Schreiber (In re Kellogg), 197 F.3d 1116, 1119 (11th Cir. 1999).

The December 15, 2011 Order involves the adjudication of several matters that had been pending before the Court. Multiple evidentiary hearings were held on the matters and Movant actively participated in the litigation. The December 15, 2011 Order was entered after the Court carefully reviewed the issues and evidence presented.

Movant's Motion for Rehearing primarily reiterates contentions she has raised throughout this case. She seeks to participate in this case as if she is the holder of an allowed secured claim, but she chose not to file a claim. Movant has not presented any newly-discovered evidence or established any manifest errors of law or fact regarding the December 15, 2011 Order. Movant has not established a basis for reconsideration of the December 15, 2011 Order pursuant to Federal Rule of Civil Procedure 59 and Federal Rule of Bankruptcy Procedure 9023.

Accordingly, it is

ORDERED, ADJUDGED and DECREED that the Movant's Motion for Rehearing (Doc. No. 138) is hereby **DENIED**.

Dated this 9th day of January, 2012.

/s/ Arthur B. Briskman
ARTHUR B. BRISKMAN
United States Bankruptcy Judge