

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

IN RE:

KELVIN R. CREWS and
LOUANN D. CREWS,

Debtors.

Case No.: 3:09-bk-8641-JAF
Chapter 11

_____/

KELVIN R. CREWS and
LOUANN D. CREWS,

Debtors-in-Possession,
Plaintiffs,

v.

Adversary No.: 3:11-ap-809-JAF

TD BANK, N.A., f/k/a
MERCANTILE BANK,

Defendant.

_____ /

ORDER DENYING PLAINTIFFS' MOTION FOR REHEARING

This proceeding is before the Court on Plaintiffs' Motion for Rehearing with respect to the Court's Order Denying Plaintiffs' Motion for Summary Judgment and Entering Summary Judgment in Favor of Defendant (Doc. 19, Motion; *see also* Docs. 15, 17). Defendant has filed a response in opposition to the Motion (Doc. 20, Response). No reply brief has been filed. For the reasons that follow, the Motion will be denied.

A motion for reconsideration of a bankruptcy court order is generally treated as a motion to alter or amend the court's ruling under Rule 59(e) of the Federal Rules of Civil Procedure, as adopted by Bankruptcy Rule 9023. *In re Investors Florida Aggressive Growth Fund, Ltd.*, 168 B.R. 760, 768 (Bankr. N.D. Fla. 1994). Only three grounds are available to support such a motion: (1) manifest error of fact; (2) manifest error of law; or (3) newly discovered evidence. *Id.* "A motion

for reconsideration is not a vehicle to re-argue issues resolved by the court's decision or to make additional argument on matters not previously raised by counsel." *Id.*

Having reviewed the Motion (Doc. 19) and the Response (Doc. 20), as well as the Court's Order Denying Plaintiffs' Motion for Summary Judgment and Entering Summary Judgment in Favor of Defendant (Doc. 15), the Court finds no manifest error of law or fact, or newly discovered evidence to support the Motion. Accordingly, the Motion will be denied.

Based on the foregoing, it is **ORDERED**:

Plaintiffs' Motion for Rehearing (Doc. 19) is denied.

DATED this 2nd day of February, 2012 in Jacksonville, Florida.

/s/ Jerry A. Funk
JERRY A. FUNK
United States Bankruptcy Judge

Copies to:

Albert H. Mickler, Attorney for Plaintiffs
Guy W. Norris, Attorney for Defendant