

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF CONNECTICUT  
HARTFORD DIVISION**

<hr/>	:	<b>CHAPTER 7</b>
<b>IN RE:</b>	:	
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<b>SANGA A. BARTLEY</b>	:	<b>CASE NO. 16-20105 (JJT)</b>
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<b>DEBTOR</b>	:	
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<b>SANGA A. BARTLEY</b>	:	<b>RE: ECF No. 37, 41, 42</b>
	:	
<b>MOVANT</b>	:	
	:	
<b>V.</b>	:	
	:	
<b>NATIONSTAR MORTGAGE, LLC</b>	:	
	:	
<b>RESPONDENT</b>	:	
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**ORDER DENYING DEBTOR’S MOTION TO RECONSIDER**

After notice and a hearing, at which Movant was fully heard, it is hereby ORDERED that the Debtor’s Amended Motion to Reconsider Denials of Motion to Open and For Order to Show Cause (“Motion to Reconsider”, ECF No. 41) is denied for the reasons set forth below. Although the Debtor did not request relief pursuant to any local or federal rule, the Court finds that the Debtor failed to meet the procedural or substantive burdens of all applicable rules, as set forth below.

First, the Debtor failed to comply with Local District Court Rule 7(c), which requires motions for reconsideration to be filed and served within seven (7) days of the filing of the order from which such relief is sought. The Court’s Order Denying Motion to Reopen Case (ECF No. 35) entered on December 28, 2016. The Debtor filed its Motion to Reconsider on January 10, 2017, thirteen (13) days later.

Second, Rule 7(c) requires that the motion to reconsider be accompanied by a memorandum setting forth concisely the controlling decisions or data the movant believes the Court overlooked. Here, the Debtor provided no new decision or data, but provided legal arguments formerly relied upon in its Motion to Reopen.

The Debtor may also have sought relief under Federal Rule of Civil Procedure 59 or 60. Federal Rule of Civil Procedure 59, made applicable to this proceeding pursuant to Bankruptcy Rule 9023, permits a party to make a motion to alter or amend a judgment. Fed. R. Civ. P. 59(e). Under Bankruptcy Rule 9023, a motion to reconsider must be filed within 14 days of the entry of the judgment. Fed. R. Bankr.P. 9023.

While Federal Rule of Civil Procedure 59 does not provide specific grounds for amending or reconsidering a judgment, it is well settled that the grounds for granting a motion for reconsideration in the Second Circuit are: (1) an intervening change of controlling law; (2) the availability of new evidence; or (3) the need to correct a clear error or prevent manifest injustice. *Virgin Atl. Airways, Ltd. v. Nat'l Mediation Bd.*, 956 F.2d 1245, 1255 (2d Cir. 1992). Despite having been timely filed under Bankruptcy Rule 9023, the Motion to Reopen nevertheless fails because it alleges no intervening change of controlling law, the availability of new evidence, or need to correct a clear error or prevent manifest injustice. The determination of whether a motion for reconsideration should be granted is within the sound discretion of the court. *In re Richmond*, 516 B.R. 229, 234 (Bankr. E.D.N.Y. 2014). The Debtor merely seeks, based upon legal misconceptions, to relitigate, yet again, issues already decided by this Court, the Superior Court and Appellate Court of Connecticut.

Finally, Federal Rule of Civil Procedure 60(b), applicable through Bankruptcy Rule 9024, allows the Court, on motion and just terms, to relieve a party or its legal representative from a final judgment, order, or proceeding for the following reasons: (1) mistake, inadvertence, surprise, or excusable neglect; (2) newly discovered evidence that, with reasonable diligence, could not have been discovered in time to move for a new trial under Rule 59(b); (3) fraud (whether previously called intrinsic or extrinsic), misrepresentation, or misconduct by an opposing party; (4) the judgment is void; (5) the judgment has been satisfied, released or discharged; it is based on an earlier judgment that has been reversed or vacated; or applying it prospectively is no longer equitable; or (6) any other reason that justifies relief. Fed. R. Civ. P. 60. Similarly, the Debtor has not advanced or met any of the aforementioned grounds, and the Court sees no other reason that would justify the requested relief.<sup>1</sup>

Accordingly, the Debtor's Motion to Reconsider is DENIED, and the Creditor's Objection to Debtor's Motion to Reconsider (ECF No. 42) is SUSTAINED.

Dated at Hartford, Connecticut this 3rd day of March 2017.

*James J. Tancredi*  
United States Bankruptcy Judge  
District of Connecticut

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<sup>1</sup> As the Debtor timely filed its Motion to Reconsider within the time period set forth in Rule 59(e), the motion is timely and may be considered under both Rule 59(e) and Rule 60(b). *See In re Enron Corp.*, 352 B.R. 363, 367–68 (Bankr.S.D.N.Y.2006) (“[A]ll motions for reconsideration are ... substantively analyzed as if they were either Civ. Rule 59 or Civ. Rule 60 motions”).