

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

MARY PATRICIA ROTH

v.

FRANCES O'BRIEN, et al.

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CIVIL ACTION
NO. 04-2787

O'Neill, J.

December 22, 2004

MEMORANDUM

Plaintiff Mary Patricia Roth filed a complaint with claims appearing to arise under 42 U.S.C. Section 1983¹ against defendants Ms. Frances O'Brien, John A. Roth, Rev. Francis Menna, Phila. Archdiocese, Atty. Wm. Kelly, Atty. Dominic Jerome, Atty. Dennis Woody, Atty. S. Pritchard, Atty. J. Meyers, Atty. R. Ashby, Atty. G. Freedman, Atty. Wm. Haburcack, M. Markey and James R. Flick. On November 2, 2004, I granted the motions to dismiss of S. Pritchard, Gary Freedman, Dominic Jerome, Francis Menna, Phila. Archdiocese, Wm. Kelly, Frances O'Brien, Dennis Woody and James R. Flick. Plaintiff was granted leave to file an amended complaint within thirty days as to any claims against defendants Roth, Jerome, and Haburcack that fell within the limitations period. No amended complaint was filed.

On December 21, 2004, I received a letter from plaintiff which appears to reassert her claims against Menna, Jerome, Mattson, Pritchard and Haburcack. Although filed outside of the ten day period allowed by Local Civil Rule 7.1(g) of the United States District Court for the

¹Although plaintiff's civil cover sheet/designation form identified plaintiff's claim as a civil rights matter the claims alleged as to several of the defendants could also be interpreted as claims of legal malpractice under tort or contract law.

Eastern District of Pennsylvania for filing of a motion for reconsideration, I will waive the limitations period and treat plaintiff's letter as a motion for reconsideration because plaintiff is pro se.

“The purpose of a motion for reconsideration is ‘to correct manifest errors of law or fact or to present newly discovered evidence.’” Sonders v. PNC Bank, N.A., No. 01-3083, 2003 U.S. Dist. LEXIS 17961, *3 (E.D. Pa. Oct. 9, 2003), quoting Blue Mountain Mushroom Co. v. Monterey Mushroom, Inc., 246 F. Supp. 2d 394, 398 (E.D. Pa. 2002). “In a motion for reconsideration, the burden is on the movant . . . to show ‘manifest’ errors of law or fact or new evidence.” Egervary v. Rooney, 80 F. Supp. 2d 491, 506 (E.D. Pa. 2000) (citation omitted). “[A] motion for reconsideration addresses only factual and legal matters that the Court may have overlooked It is improper on a motion for reconsideration to ‘ask the Court to rethink what [it] had already thought through – rightly or wrongly.’” Glendon Energy Co. v. Borough of Glendon, 836 F. Supp. 1109, 1122 (E.D. Pa. 1993) (citation omitted). “Motions for reconsideration should be granted sparingly because of the interests in finality and conservation of scarce judicial resources.” Pennsylvania Ins. Guaranty Ass'n v. Trabosh, 812 F. Supp. 522, 524.

I will deny plaintiff's request for reconsideration because she has not established that my determinations that her claims against defendants O'Brien, Menna, Phila. Archdiocese, Kelly, Woody, Pritchard, Meyers, Ashby, Freedman, Markey and Flick were time barred and that her allegations of civil rights violations were not pled with sufficient specificity to meet the requirements of Federal Rule of Civil Procedure 8(a)(2) were a clear error of law or that reconsideration of my prior order is necessary to prevent a manifest injustice. There has been no

change in the law and no new evidence has become available. “Dissatisfaction with my prior ruling is not enough to warrant reconsideration. EEOC v. Dan Lepore & Sons Co., No. 03-5462, 2004 U.S. Dist. LEXIS 4842 at *5 (E.D. Pa. March 15, 2004) (citations omitted). Accordingly I will deny plaintiff’s motion for reconsideration.

Should plaintiff wish to take an appeal from denial of her motion for reconsideration to the Court of Appeals for the Third Circuit, she should file an order with the clerk of this court within thirty days from the date of entry of this order. See Fed. R. App. P. 4(a)(1).

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ORDER

AND NOW, this 22nd day of December 2004, it is ORDERED that the clerk's office file the attached letter and supporting documents from plaintiff Mary Patricia Roth as a motion for reconsideration in this matter.

Upon consideration of plaintiffs' motion for reconsideration it is further ORDERED that plaintiff's motion is DENIED.

s/Thomas N. O'Neill, Jr.

THOMAS N. O'NEILL, JR., J.