

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

ERIC PHILLIPS, :  
Plaintiff, : CIVIL ACTION  
 :  
 :  
v. :  
 :  
 :  
 :  
SHERATON SOCIETY HILL, :  
Defendant. : NO. 04-5659

October 11, 2005

**MEMORANDUM AND ORDER**

PRATTER, DISTRICT JUDGE

On September 13, 2005, the Court filed an Order (Docket No. 10) dismissing this case because there was no indication that Plaintiff Phillips received a “Right-to-Sue” letter from the Equal Employment Opportunity Commission (“EEOC”), a statutory prerequisite for bringing an employment discrimination claim with this Court. (Docket No. 10). On September 23, 2005, Mr. Phillips filed a Motion for Reconsideration (Docket No. 11), apparently suggesting that he may not have received the “Right-to-Sue” letter because his mail was given to his sister by mistake. Defendant thereafter filed a Response to the Plaintiff’s Motion (Docket No. 13).

The purpose of a motion for reconsideration is to correct manifest errors of law or fact or to present newly discovered evidence. Harsco Corp. v. Zlotnicki, 779 F.2d 906, 909 (3d Cir. 1985), cert. denied, 476 U.S. 1171 (1986). A court should grant a motion for reconsideration *only* “if the moving party establishes one of three grounds: (1) there is newly available evidence; (2) an intervening change in the controlling law; or (3) there is a need to correct a clear error of

law or prevent manifest injustice.” Drake v. Steamfitters Local Union No. 420, 1998 WL 564486, \*3 (E.D. Pa. Sept. 3, 1998) (citing Smith v. City of Chester, 155 F.R.D. 95, 96-97 (E.D. Pa. 1994)). “Because federal courts have a strong interest in finality of judgments, motions for reconsideration should be granted sparingly.” Continental Casualty Co. v. Diversified Industries, Inc., 884 F. Supp. 937, 943 (E.D. Pa. 1995).

Plaintiff’s Complaint contains no allegation (or even any assertion that could be generously so interpreted) that he had contacted the EEOC or that he received a “Right-to-Sue” letter. Even reading Plaintiff’s Motion for Reconsideration in the broadest sense possible, there still is no evidence or any indication that Plaintiff contacted the EEOC before he filed his complaint in this Court. The Plaintiff has not demonstrated that there is any newly available evidence, an intervening change in the controlling law, or a need to correct a clear error of law or fact or a need to prevent manifest injustice.

AND NOW, this 11<sup>th</sup> day of October, 2005, upon consideration of the Plaintiff’s Motion for Reconsideration, (Docket No. 11) and the Defendant’s Response (Docket No. 13), IT IS HEREBY ORDERED that the Motion is DENIED.

The Clerk of Court shall marked this matter as CLOSED.

BY THE COURT:

/S/ \_\_\_\_\_  
GENE E.K. PRATTER  
UNITED STATES DISTRICT JUDGE