

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

MANNY L. NOTTINGHAM

CIVIL ACTION

VERSUS

NO: 07-4211

MURPHY OIL USA, INC., ET AL

SECTION: "S" (4)

ORDER AND REASONS

The motion for reconsideration for court's ruling on motion for partial summary judgment (Doc. # 109) by defendants Murphy Oil USA, Inc. and Murphy Exploration & Production Company (collectively, "Murphy") is **DENIED**.

BACKGROUND

The background facts are recited in the court's earlier ruling, denying defendants' motion for partial summary judgment (Doc. #103) and are not repeated here.

Defendants move for reconsideration, reurging their position that the MEDUSA is not a vessel and that the lifeboat was an appurtenance of the MEDUSA.

ANALYSIS

1. Legal Standard

“A Rule 59(e) motion is a motion that calls into question the correctness of a judgment.”¹ The court has considerable discretion in deciding whether to reopen a case in response to a motion for reconsideration arising under Rule 59(e).² “Rule 59(e) is properly invoked to correct a manifest error of law or fact or to present newly discovered evidence.”³ “A Rule 59(e) motion should not be used to relitigate prior matters that should have been urged earlier or that simply have been resolved to the movant’s dissatisfaction.”⁴

2. Motion for Reconsideration

Defendants raise no new facts or case law which merit further consideration by this court. Defendants incorporate their original memorandum and exhibits which address all issues raised in defendants’ motion.

The court carefully considered the merits of defendants’ motion for partial summary judgment, and finds no basis upon which to reconsider its ruling.

The motion for reconsideration is **DENIED**.


¹*In Re TransTexas Gas Corp.*, 303 F.3d 571, 581 (5th Cir. 2002).

²*Lavespere v. Niagara Mach. & Tool Works, Inc.*, 910 F.2d 167, 174 (5th Cir. 1990).

³*In re TransTexas Gas Corp.*, 303 F.3d at 581 (internal quotation and citation omitted).

⁴*In Re Self*, 172 F. Supp.2d 813, 816 (W.D. La. 2001).

New Orleans, Louisiana, this 7th day of April, 2009.


MARY ANN VIAL LEMMON
UNITED STATES DISTRICT JUDGE