



in the amount of \$124,834.95 and costs in the amount of \$2,595.41.

To collect the legal fees, Kousoulas filed a petition to enforce her attorney's fees lien. Kant filed an Answer and Counterclaim alleging legal malpractice, in an effort to contest payment of the certain fees to his trial counsel. Kousoulas moved for summary judgment on her attorney's fees petition, and moved to dismiss Plaintiff's malpractice counterclaim. The Court granted both motions on September 9, 2009.

## **II. STANDARD OF REVIEW**

Motions for reconsideration are governed by L. Civ. R. 7.1(i). See U.S. v. Compaction Sys. Corp., 88 F. Supp. 2d 339, 345 (D.N.J. 1999). A motion for reconsideration may be granted if (1) an intervening change in the controlling law has occurred; (2) evidence not previously available has become available; or (3) it is necessary to correct a clear error of law or prevent manifest injustice. Database Am., Inc. v. Bellsouth Adver. & Pub. Corp., 825 F. Supp. 1216, 1220 (D.N.J. 1993). Such relief is "an extraordinary remedy" that is to be granted "very sparingly." See NL Indus. Inc. v. Commercial Union Ins. Co., 935 F. Supp. 513, 516 (D.N.J. 1996). Local Rule 7.1(i) does not contemplate a recapitulation of arguments considered by the Court before rendering its original decision. See Birmingham v. Sony Corp. Of Am., Inc., 820 F. Supp. 834, 856 (D.N.J. 1992), aff'd, 37 F.3d 1485 (3d Cir. 1994). As a motion for reconsideration is not an appeal, it is improper on a motion for reconsideration to "ask the court to rethink what it ha[s] already thought through." Oritani Sav. & Loan Ass'n v. Fidelity & Deposit Co., 744 F. Supp. 1311, 1314 (D.N.J. 1990).

## **III. DISCUSSION**

Plaintiff has not demonstrated, or even argued, that (1) an intervening change in the controlling law has occurred; (2) evidence not previously available has become available; or (3)

reconsideration is necessary to correct a clear error of law or prevent manifest injustice. Database Am., Inc. v. Bellsouth Adver. & Pub. Corp., 825 F. Supp. 1216, 1220 (D.N.J. 1993). Accordingly, Plaintiff's motion for reconsideration is denied.

Plaintiff's motion for reconsideration, in essence, consists of assertions that the Court overlooked facts related to the proper distribution of funds in this matter—specifically, the portion of attorney's fees, costs and interest that must be distributed in this case. The fund distribution figures are addressed in an Order accompanying this Opinion, wherein the Court has assigned the proper distribution of the funds held by the Clerk of Court in this matter.

#### **IV. CONCLUSION**

For the reasons stated above, Plaintiff's motion for reconsideration is **denied** and Kousoulas' motion for release of funds is **granted**. An appropriate Order accompanies this Opinion.

S/ Dennis M. Cavanaugh  
Dennis M. Cavanaugh, U.S.D.J.

Date: March 30, 2010  
Original: Clerk's Office  
cc: All Counsel of Record  
The Honorable Mark Falk, U.S.M.J.  
File