

second...run at the same issues.” Cabrera v. Government Empl. Ins. Co., 2015 WL 464237, *5 (S.D. Fla. Jan. 16, 2015). Similarly, “[u]nder Rule 60(b), “the court may relieve a party or its legal representative from a[n]...order...for the following reasons:....(6) any other reason that justifies relief.” Fed.R.Civ.P. Rule 60(b). However, as expressed by this Court in Purveegiin v. Streiff, 2007 WL 2081241, *1 (S.D. Ala. Jul. 17, 2007) (internal citations omitted):

“In the interests of finality and conservation of scarce judicial resources, reconsideration of an order is an extraordinary remedy and is employed sparingly.”...The law is clear that a party may not properly utilize a motion to reconsider as a vehicle for rehashing arguments considered and rejected in the underlying order....

Diamond has moved for reconsideration of the denial of class certification under Rule 60(b)(6). Rule 60(b)(6) is the "catch-all" provision, providing for relief from judgment for “any other reason that justifies relief.” To satisfy Rule 60(b)(6), Diamond “must demonstrate ‘that the circumstances are sufficiently extraordinary to warrant relief. Even then, whether to grant the requested relief is ... a matter for the district court's sound discretion.’” Grant v. Pottinger-Gibson, 2018 WL 834895, *3 (11th Cir. Feb. 13, 2018) (quoting Toole v. Baxter Healthcare Corp., 235 F.3d 1307, 1317 (11th Cir. 2000) (omission in original) (internal quotation marks omitted)). And as reflected in case law discussing Rule 2(c)(1)(C), a motion to reconsider should not condoned if it presents a series of re-arguments equating to a second run at the Court's ruling.

Diamond fails to present any "other" reason that justifies reconsideration. Diamond has also not demonstrated circumstances that are sufficiently extraordinary to warrant such relief. Instead, Diamond revisits the arguments raised during class certification briefing and oral argument (i.e., that all concerns/factors could be met/resolved via access to the FBI list). The Court has already carefully considered, addressed, and resolved these matters. Additionally, as to the undersigned's discussion of "other factors" in arriving at the class certification ruling, Rule 23's

factors are non-exhaustive and non-exclusive, meaning the Court has discretion to consider other pertinent factors, which it did. In short, Diamond's motion is tantamount to a second run at the Court's ruling and fails to demonstrate sufficient support meriting reconsideration.

Upon consideration, the Court **DENIES** Diamond's motion for reconsideration (Doc. 104), which in turn **MOOTS** Diamond's motion for a stay or extension (Doc. 105).

DONE and ORDERED this the **21st** day of **May 2019**.

/s/Kristi K. DuBose
KRISTI K. DuBOSE
CHIEF UNITED STATES DISTRICT JUDGE