

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

JERRY WHISENHUNT, <i>et al.</i>,)	
)	
Plaintiffs,)	
)	
vs.)	Civil Action No. 1:23-00443-KD-B
)	
AMERACAT, INC., <i>et al.</i>,)	
)	
Defendants.)	

ORDER

This matter is before the Court on Plaintiffs’ Motion to Reconsider the Court’s April 26, 2024, Order, (Doc. 40), which granted Ameracat, Inc.’s Renewed Motion to Compel Arbitration and Stay Action, (Doc. 35). (Doc. 41). Upon consideration and for the reasons set forth herein, Plaintiffs’ Motion, (Doc. 41), is **DENIED**.

A district court’s order granting a motion to compel arbitration and staying the case is not immediately appealable. Green Tree Fin. Corp.-Ala. v. Randolph, 531 U.S. 79, 87 n.2 (2000); Martinez v. Carnival Corp., 744 F.3d 1240, 1243 (11th Cir. 2014) (“[A] district court order compelling arbitration and staying the proceedings before the court is an interlocutory order that cannot be appealed.”). Fed. R. Civ. P. 59(e) does not govern motions to reconsider interlocutory orders. Hertz Corp. v. Alamo Rent-A-Car, Inc., 16 F.3d 1126, 1132 (11th Cir. 1994) (“The strictures of Rule 59(e) remain dormant, however, until a final judgment has been entered.”). Still, a district court may reconsider, revise, alter, or amend its interlocutory order at any time prior to final judgment since it has plenary power over it. Hardin v. Hayes, 52 F.3d 934, 938 (11th Cir. 1995) (per curiam). And yet, “[i]n the interests of finality and conservation of scarce judicial resources, reconsideration of an order is an extraordinary remedy and is employed

sparingly.” Reuter v. Merrill Lynch, Pierce, Fenner & Smith, Inc., 440 F. Supp. 2d 1256, 1267 (N.D. Ala. 2006). “[A] motion to reconsider is only available when a party presents the court with evidence of an intervening change in controlling law, the availability of new evidence, or the need to correct clear error or manifest injustice.” Gipson v. Mattox, 511 F. Supp. 2d 1182, 1185 (S.D. Ala. 2007) (internal citation omitted).

Upon thorough review of Plaintiffs’ Motion and the law cited therein, the Court finds no grounds that would justify reconsideration of its prior Order. Accordingly, Plaintiffs’ Motion, (Doc. 41), is **DENIED**.

DONE and ORDERED this **13th** day of **May 2024**.

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