



a clear error or prevent manifest injustice.” *Ayazi v. United Fedn. of Teachers Local 2*, 487 F. App'x 680, 681 (2d Cir. 2012) (internal citation and quotation marks omitted); *Ensign Yachts, Inc. v. Arrigoni*, 3:09–CV–209 (VLB), 2010 WL 2976927 (D. Conn. July 23, 2010) (same). A “motion to reconsider should not be granted where the moving party seeks solely to relitigate an issue already decided.” *Shrader*, 70 F.3d at 257. Further, Local Rule of Civil Procedure 7(c) requires parties seeking reconsideration to “set[ ] forth concisely the matters or controlling decisions which counsel believes the court overlooked in the initial decision or order.” D. Conn. Loc. Civ. R. 7(c).

### III. Discussion

The plaintiff moves for reconsideration on the grounds that the Court clearly erred in its decision, which resulted in manifest injustice to the plaintiff. First, plaintiff argues that the Court did not view the facts in the light most favorable to the plaintiff or credit all factual inferences in his favor as to Rogoz’s claim for excessive use of force. In support, Rogoz argues that a reasonable jury could have concluded that the force used was excessive because Rogoz had, after he had pulled to the side of the highway, complied with the Hartford Police officer’s commands to exit his vehicle, lie on the ground, and put his hands behind his back.

The plaintiff has pointed to no law that the Court overlooked and has conveniently excluded the Court’s extensive analysis of Mr. Rogoz’s actions in actively and recklessly evading law enforcement after he had engaged in a drug

deal and before he finally obeyed Hartford Police's command that he pull his car to the side of the highway. Thus, Rogoz's contention that he "was not a threat to anyone" at the time he pulled his car to the side of the highway is irrelevant to the Court's qualified immunity analysis, as the Court explained in detail in its earlier decision on summary judgment. Further, the plaintiff's subjective assertion that the Court ignored the evidence that Mr. Rogoz did not know that he was being pursued by the police until he saw the police cruisers and heard the sirens as he was driving on the highway is entirely irrelevant to the Court's analysis of what a reasonable officer – in this case Detective Watson – would have concluded under the totality of the circumstances.<sup>1</sup> The Court addressed this issue in the July 22, 2013 decision and the plaintiff has offered no precedent that the Court did not consider. Moreover, although Rogoz argues that the Court's choice of words in describing the force used against Rogoz – that Officer Watson "quickly transferr[ed]" his weight to Rogoz's back rather than "jumped" on his back – did not take the facts in the light most favorable to Rogoz, this classification is a matter of semantics. Moreover, the velocity or degree of pressure exerted does not change the Court's qualified immunity analysis. Reconsideration of these issues is denied.

Rogoz also argues that reconsideration should be granted on his failure to intervene claim because the defendants offered unsworn statements that they did not see any force being applied to Rogoz at the scene, which is inadequate to support a motion for summary judgment. The Court, however, did not consider

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<sup>1</sup> The Court notes that, as set forth in the summary judgment decision, Mr. Rogoz did not dispute most of Detective Watson's recollection of events.

