

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

LENA HEDENGREN, an individual

Plaintiff,

v.

Case No: 2:14-cv-333-FtM-38DNF

ESTERO FIRE RESCUE,

Defendant.

ORDER¹

This matter comes before the Court on Plaintiff's Motion for Reconsideration ([Doc. #67](#)) filed on June 25, 2015. At issue is the Court's Order granting in part Plaintiff's Motion to Bifurcate. (See [Doc. #62](#); [Doc. #49](#)). Reconsideration of a court's previous order is an extraordinary remedy, and thus, is a power that should be used sparingly. [Carter v. Premier Rest. Mgmt.](#), No. 2:06-CV-212-FTM-99DNF, 2006 WL 2620302, at *1 (M.D. Fla. Sept. 13, 2006) (citing [Am. Ass'n of People with Disabilities v. Hood](#), 278 F. Supp. 2d 1337, 1339 (M.D. Fla. 2003)). The courts have "delineated three major grounds justifying reconsideration: (1) an intervening change in the controlling law; (2) the availability of new evidence; (3) the need to correct clear error or prevent manifest injustice." [Susman v. Salem, Saxon & Meilson, P.A.](#), 153 F.R.D. 689, 904 (M.D. Fla. 1994).

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Here there is no intervening change in controlling law, no new evidence, and no need to correct clear error or prevent manifest injustice. As such, the motion is due to be denied. The Court notes it is not bound by party stipulations; it is unwilling to stall this case by allowing discovery to be re-opened after a jury verdict; and judicial efficiency supports the need for all trial portions, both jury and court portions, to be tried contemporaneously. Thus, the Court stands by its previous order.

As an aside, it is clear Mr. Wilson has misread the Court's previous order since he thinks the Court has banned experts at trial. He is fully mistaken. The Court advises Mr. Wilson to re-read the Court's order plainly. Whatever risks Mr. Wilson made in discovery are risks that he must remain accountable for rather than blame the Court. (See generally Doc. #61, at 2 (Mr. Wilson explaining how *he* took a risk by foregoing the opportunity to disclose experts)). He may try his luck again by moving to amend the scheduling deadlines in this case. Whether the undersigned or magistrate judge assigned to this case, will grant such a request is unknown at this time.

Accordingly, it is now **ORDERED**:

Plaintiff's Motion for Reconsideration (Doc. #67) is **DENIED**.

DONE and **ORDERED** in Fort Myers, Florida this 29th day of June, 2015.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record