

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF FLORIDA
GAINESVILLE DIVISION

SAMUEL JONES III,

Plaintiff,

v.

CASE NO.: 1:08cv185-SPM/GRJ

WALGREEN CO.
d/b/a WALGREENS,

Defendant.

_____ /

ORDER DENYING MOTION FOR RELIEF FROM ORDER

This cause comes before the Court on Plaintiff's Motion for Relief from Court's Order Dated September 28, 2012. Doc. 153. For the following reasons, the motion will be denied.

1. The public interest in the finality of judgments and avoidance of piecemeal litigation requires that limits be placed on parties seeking relief from court orders. Thus it has long been established that motions for relief from judgment should not be used "to raise arguments which could, and should, have been made before the judgment was issued." Lussier v. Dugger, 904 F.2d 661, 667 (11th Cir. 1990).

2. "[W]here a party attempts to introduce previously unsubmitted evidence on a motion to reconsider, the court should not grant the motion absent

some showing that the evidence was not available during the pendency of the motion.” Mays v. U.S. Postal Serv., 122 F.3d 43, 46 (11th Cir. 1997).

3. Here, Plaintiff seeks to submit new evidence from his wife, mother, and father that at the mediation conferences Mr. Thomas never discussed with Plaintiff any settlement terms other than the dollar amount of the settlement and the prohibition on reemployment.

4. Plaintiff contends that it was not known that his wife, mother, and father were present during the mediation conferences or had knowledge about this matter. But Plaintiff should have known that they were present since Plaintiff was also present.

5. At no time during the weeks that passed after the hearing but before the Court made its ruling did Plaintiff seek to submit the new evidence to the Court.

6. No satisfactory showing has been made why Plaintiff could not have presented this evidence prior to the Court's ruling on Plaintiff's motion. Accordingly, it is

ORDERED AND ADJUDGED: Plaintiff's Motion for Relief from Court's Order Dated September 28, 2012 (doc. 153) is denied.

DONE AND ORDERED this 5th day of November, 2012.

s/ Stephan P. Mickle
Stephan P. Mickle
Senior United States District Judge