

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION**

CASE NO. 07-21221-CIV-ALTONAGA/Brown

RENEE BLASZKOWSKI, et al.,

Plaintiffs,

vs.

**MARS INC.; PROCTOR & GAMBLE CO.,
et al.,**

Defendants.

ORDER

THIS CAUSE came before the Court upon Plaintiffs' Motion for Reconsideration of Order on Defendants' Motion to Sequence Document Production and to Limit Plaintiffs' Document Requests ("Motion for Reconsideration") [D.E. 410]. Plaintiffs request that the Court reconsider the May 27, 2008 Order ("Previous Order") [D.E. 401] in which the undersigned concluded it would be necessary to appoint a special master in this matter to resolve the various discovery disputes between the parties. The undersigned has considered the parties' filings, the record, and applicable law.

The district court may, in its discretion, grant a motion for reconsideration of a non-final order. *See Region 8 Forest Serv. Timber Purchasers Council v. Alcock*, 993 F.2d 800, 806 (11th Cir. 1993). However, "[r]econsideration of a Court's previous order is an extraordinary remedy and, thus, is a power which should be used sparingly." *Am. Ass'n of People with Disabilities v. Hood*, 278 F. Supp. 2d 1337, 1339 (M.D. Fla. 2003) (citation omitted). "The party seeking reconsideration must set forth facts or law of a strongly convincing nature to induce the court to reverse its prior decision." *Kona Spring Water Distributing, Ltd. v. World Triathlon Corp.*, 2006 WL 1382060, at

*1 (M.D. Fla. May 16, 2006) (citing *Hood*, 278 F. Supp. 2d at 1339; *Mannings v. Sch. Bd. of Hillsborough County, Fla.*, 149 F.R.D. 235 (M.D. Fla. 1993)). “[T]here are three major grounds which justify reconsideration: (1) an intervening change in controlling law; (2) the availability of new evidence; and (3) the need to correct clear error or prevent manifest injustice.” See *Burger King Corp. v. Ashland Equities, Inc.*, 181 F. Supp. 2d 1366, 1369 (S.D. Fla. 2002) (citations omitted).

The undersigned is not persuaded that the Previous Order suffered from any errors of law. However, the parties’ submissions and the additional arguments presented in the context of the Plaintiffs’ Motion for Reconsideration - particularly the relative financial burdens imposed on the parties by the appointment of a special master and the relatively limited substantive discussions regarding the production of documents that have occurred thus far between the parties - support a finding of manifest injustice to Plaintiffs if the parties are not first afforded the opportunity to narrow the discovery issues through good faith conferences, and through limited motion practice before the magistrate judge on any unresolved issues. Accordingly, it is

ORDERED AND ADJUDGED that Plaintiffs’ Motion for Reconsideration [**D.E. 410**] is **GRANTED**, and the Previous Order [**D.E. 401**] is **AMENDED** as follows:

1. The Court will not appoint a special master at this time, although any party may seek such appointment in the event the orderly and efficient progress of discovery cannot be resolved without unnecessary expense or delay.
2. The parties are required to confer and develop a plan of sequenced discovery and provide notice to the Court whether an agreement has been reached by **July 21, 2008**.

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DONE AND ORDERED in Chambers at Miami, Florida, this 24th day of June, 2008.



CECILIA M. ALTONAGA
UNITED STATES DISTRICT JUDGE

cc: counsel of record