

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
STATESBORO DIVISION

CAROL WILKERSON,

Plaintiff,

v.

6:09-cv-033

H&S LEE, INC., D/B/A SHONEY'S,
INC.

Defendant.

ORDER

On September 13, 2010, this Court entered an Order denying the Motion for Reconsideration filed by Plaintiff Carol Wilkerson ("Wilkerson") on August 10, 2010. *See* Doc. 41. Wilkerson has now filed a second Motion for Reconsideration. *See* Doc. 42.

As the Court outlined in its previous Order, a motion for reconsideration is appropriate when the moving party shows that: "(1) there has been an intervening change in controlling law; (2) new evidence has been discovered; or (3) reconsideration is needed to correct clear error or prevent manifest injustice." *See Ctr. for Biological Diversity v. Hamilton*, 385 F. Supp. 2d 1330, 1337 (N.D. Ga. 2005); *Sussman v. Salem*, *Saxon & Nielsen*, 153 F.R.D. 689, 694 (M.D. Fla. 1994).

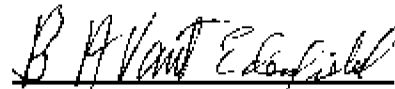
Wilkerson argues that it was clear error, justifying reconsideration of her claims, that the Clerk of Court failed to note her change of address on April 30, 2010. *See* Doc. 42 at 1. She attaches "Plaintiff's Exhibit A" as proof that she provided proper notice to the

Clerk. *See id.* at 4. The letter attached as Exhibit A, dated April 27, 2010, does not appear on the Court docket. In addition, the copy of the envelope included with the letter as part of Exhibit A does not prove notice to the Court on April 27, 2010, as is dated September 20, 2010, nearly five months later. *See id.* at 5.

Wilkerson's recent Motion does not identify a change in controlling law or present new evidence, and the evidence submitted is insufficient to demonstrate clear error. In fact, the pending Motion does nothing more than re-hash the arguments that have already been properly denied by this Court.

For the foregoing reasons, together with the reasons set forth in this Court's Order denying Wilkerson's first Motion for Reconsideration, the present Motion for Reconsideration is ***DENIED***.

This 27th day of September 2010.



B. AVANT EDENFIELD, JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA