

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

KEYBANK NATIONAL ASSOCIATION

VERSUS

CIVIL ACTION NO. 10-552-JJB

THORNCO, LLC

ORDER ON MOTION FOR RECONSIDERATION AND MOTION FOR NEW TRIAL

ThornCo LLC has filed a motion to reconsider (Doc. 413) this Court's ruling granting summary judgment to KeyBank N.A. (Doc. 412), and after this Court entered final judgment (Doc. 430), ThornCo reasserted its arguments in a motion for new trial (Doc. 435) to preserve its pending motion to reconsider.

Motions to reconsider dispositive rulings are considered motions to alter or amend the judgment under Fed. Rule Civ. P. 59(e). These motions cannot be used to raise arguments which could have but were not made before the judgment issued. Altering or amending the judgment is only established through manifest error of law or fact or through newly discovered evidence. *Ross v. Marshall*, 426 F.3d 745 (5th Cir. 2005).

ThornCo reasserts the same arguments it made in its original summary judgment briefing. No new evidence was discovered, and no intervening changes in the law occurred. ThornCo relies only on the allegedly manifest legal and factual error committed by this Court in its ruling.

The Court finds ThornCo's motions fail to clearly establish error, and therefore the motions (Docs. 413, 435) are hereby DENIED.

Signed in Baton Rouge, Louisiana, on January 25, 2012.



JAMES J. BRADY, DISTRICT JUDGE
MIDDLE DISTRICT OF LOUISIANA