

MAR 06 2009

ROBERT H. BENNETT, CLERK
BY  DEPUTY

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION

KYOMI POSTLEY

CIVIL ACTION NO. 08-0883

VERSUS

JUDGE DONALD E. WALTER

GENERAL MOTORS

MAGISTRATE MARK HORNSBY

ORDER

Before this Court is a Motion to Reconsider Pursuant to Federal Rule of Civil Procedure 60(b)(6) [Record Documents 29], filed on behalf of Plaintiff, Kyomi Postley. Defendant General Motors opposes this motion. [Record Document 31].

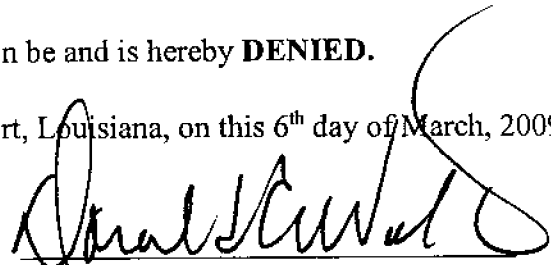
On September 17, 2008, the Court dismissed all of Plaintiff's claim against General Motors with prejudice because the claims were prescribed and because Plaintiff failed to comply with Federal Rules of Civil Procedure 8(a) and 10(a). Under Rule 60(b)(6) of the Federal Rule of Civil Procedure, the Court may relieve a party from a final judgment for any "reason that justifies relief." *See Liljeberg v. Health Serv. Acquisition Corp.*, 486 U.S. 847, 863-64, 108 S.Ct. 2194, 2204-04 (1988) ("The Rule does not particularize the factors that justify relief, but ... it provides courts with authority 'adequate to enable them to vacate judgments whenever such action is appropriate to accomplish justice...' [I]t should only be applied in 'extraordinary circumstances.'"). Plaintiff argues relief is justified because she is under heavy medication as a result of the car accident that forms the basis of her complaint.

Nevertheless, even if the Court were to find that Plaintiff's medication condition is an "extraordinary circumstance" excusing her failure to comply with Rules 8(a) and 10(a),

Plaintiff's claim prescribed two years prior to commencement of this action. Reopening the case will not "turn back time" and would only cause the parties undue expense and result in a waste of time. Accordingly, the Court finds Plaintiff has not demonstrated grounds for relief under Rule 60(b)(6).

IT IS ORDERED that the foregoing motion be and is hereby **DENIED**.

THUS DONE AND SIGNED in Shreveport, Louisiana, on this 6th day of March, 2009.

A handwritten signature in black ink, appearing to read "Donald E. Walter", written over a horizontal line.

DONALD E. WALTER
UNITED STATES DISTRICT JUDGE