

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

In re: MIRAPEX PRODUCTS LIABILITY LITIGATION

NABIL GAZAL,

Plaintiff,

v.

ORDER

07-MDL-1836 (MJD/FLN)

10-CV-644 (MJD/FLN)

BOEHRINGER INGELHEIM
PHARMACEUTICALS, INC.;
PFIZER, INC.; PHARMACIA
CORPORATION; and PHARMACIA
& UPJOHN COMPANY LLC,

Defendants.

This matter is before the Court on Plaintiff Nabil Gazal's letter request to file a motion for reconsideration. [07-MDL-1836 (MJD/FLN) Docket No. 1314; 10-CV-644 (MJD/FLN) Docket No. 63]

Plaintiff requests permission to file a motion for reconsideration of this Court's August 25, 2010 Order granting summary judgment to Defendants.

The Local Rules provide that a motion to reconsider can only be filed with the Court's express permission, and then, only "upon a showing of compelling circumstances." L.R. 7.1(h). The district court's decision on a motion for reconsideration rests within its discretion. Hagerman v. Yukon Energy Corp., 839 F.2d 407, 413 (8th Cir. 1988).

Motions for reconsideration serve a limited function: to correct manifest errors of law or fact or to present newly discovered evidence. . . . Nor should a motion for reconsideration serve as the occasion to tender new legal theories for the first time.

Id. at 414 (citation omitted). The Court has thoroughly reviewed Plaintiff's letter request and concludes that the August 25, 2010 Order contain no manifest errors of law or fact. In that Order, the Court explicitly addressed the same legal argument Plaintiff raises in his letter request. The additional case now cited by Plaintiff, Wells v. Smithkline Beecham Corp., 601 F.3d 375 (5th Cir. 2010), is consistent with the Court's August 25 Order. Nor has Plaintiff offered new evidence that would alter the Court's Order. Plaintiff has not shown compelling circumstances to support filing a motion to reconsider.

Accordingly, based upon the files, records, and proceedings herein, **IT IS HEREBY ORDERED:**

Plaintiff Nabil Gazal's Letter Request to file a motion for reconsideration [07-MDL-1836 (MJD/FLN) Docket No. 1314; 10-CV-644 (MJD/FLN) Docket No. 63] is **DENIED**.

Dated: September 14, 2010

s/ Michael J. Davis _____

Michael J. Davis

Chief Judge

United States District Court