

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

JILL NIELSEN,)
Plaintiff,) 8:09CV3220
vs.) ORDER
TRACTOR SUPPLY COMPANY and)
GARY COLLINS,)
Defendants.)

This matter is before the court on the defendant Gary Collins' (Collins) Motion for Reconsideration of Order Granting Plaintiff's Motion to Amend ([Filing No. 59](#)). Collins filed a brief ([Filing No. 60](#)) in support of the motion for reconsideration. On September 13, 2010, the court entered an order ([Filing No. 57](#)) granting the plaintiff's contested Motion for Leave to Amend Pleadings ([Filing No. 53](#)). The same day, the plaintiff filed the amended complaint ([Filing No. 58](#)). Collins argues he did not have an opportunity to respond to the factual and legal arguments made by the plaintiff in her reply brief, particularly because the plaintiff failed to file an opening brief at the time she filed her motion to amend. Specifically, Collins argues the plaintiff's motion to amend was untimely and without justification for the delay. Further, Collins argues he is prejudiced due to the change in the manner he would have conducted discovery, beyond having to re-depose the plaintiff.

Collins' motion, filed pursuant to [Fed. R. Civ. P. 60](#) and [NECivR 60.1](#) fails to raise arguments or issues not considered by the court in the original briefing forming the basis of the September 13, 2010, order. The movant fails to raise manifest error in the ruling or new facts or legal authority, which could have, but were not brought to the court's attention as part of the earlier briefing schedule. For these reasons, Collins' motion will be denied. Upon consideration,

IT IS ORDERED:

Collins' Motion for Reconsideration of Order Granting Plaintiff's Motion to Amend
([Filing No. 59](#)) is denied.

ADMONITION

Pursuant to [NECivR 72.2](#) any objection to this Order shall be filed with the Clerk of the Court within fourteen (14) days after being served with a copy of this Order. Failure to timely object may constitute a waiver of any objection. The brief in support of any objection shall be filed at the time of filing such objection. Failure to file a brief in support of any objection may be deemed an abandonment of the objection.

DATED this 14th day of September, 2010.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge

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