

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

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VADIM MIKHLYN, INGA MIKHLYN,
and ABC ALL CONSULTING, INC.,
Plaintiffs,

ORDER

-against-

08-CV-03367 (ARR)(RER)

ANA BOVE, POLINA DOLGINOV,
et al.,
Defendants.

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RAMON E. REYES, JR., U.S.M.J.:

By memorandum dated August 20, 2010, *pro se* defendants Ana Bove and Polina Dolginov seek reconsideration of this Court's June 16, 2010 orders denying the appointment of counsel. (Mem. Of Law in Response for Pl. Opposition for Def. Pro Bono Mot. ("Def. Mem."), 2.)

On June 2, 2010 after the withdrawal of defendants' counsel in May 2010, defendants filed a motion to appoint counsel to represent them. (Docket Nos. 110 and 111.) Plaintiffs opposed that application on June 16, 2010, and I denied defendants' motions on the same day, explaining the reasons for my decision in the orders. (Docket No. 124 and 125.) With the present motion, the defendants present me with two categories of information that they would like me to consider: (1) assertions that were already considered on the first motion for appointed counsel, and (2) a litany of alleged misbehavior and misstatements by the plaintiffs and their attorneys.

"A court is justified in reconsidering its previous ruling if: (1) there is an intervening change in the controlling law; (2) new evidence not previously available comes to light; or (3) it becomes necessary to remedy a clear error of law or to prevent obvious injustice." *Hester Industries, Inc. v. Tyson Foods, Inc.*, 160 F.R.D. 15, 15 (N.D.N.Y. 1995). The defendants presented no new evidence or controlling law for me to consider. Defendants mere reiteration of the same facts and recitation of their disagreement with statements and arguments previously made by the plaintiffs is not enough to justify reconsideration of the motion, nor has any of the information presented changed the Court's

opinion that the defendants are not entitled to appointed counsel in this case. Information regarding alleged misbehavior by plaintiffs and their attorneys does not go to the issue of defendants' ability to pay for counsel, but rather only to defendants' position on disputed issues in the case. To the extent that any of that information relates to the pending motion for sanctions and entry of default judgment, I will take it into consideration.

Given all of the above, and for reasons previously stated in the original orders denying counsel, (Docket Nos. 124 and 125), and yesterday's order, (Docket No. 154), defendants' motion to reconsider the denial of appointed counsel is **DENIED**.

SO ORDERED.

**Dated: Brooklyn, New York
September 15, 2010**

Ramon E. Reyes, Jr.

**Ramon E. Reyes, Jr.
United States Magistrate Judge**