

interests of finality and conservation of scarce judicial resources." In re Health Mgmt. Sys. Inc. Sec. Litg., 113 F. Supp. 2d 613, 614 (S.D.N.Y. 2000) (citations and quotation marks omitted). "The provision for reargument is not designed to allow wasteful repetition of arguments already briefed, considered and decided." Schonberger v. Serchuk, 742 F. Supp. 108, 119 (S.D.N.Y. 1990). "The major grounds justifying reconsideration are 'an intervening change in controlling law, the availability of new evidence, or the need to correct a clear error or prevent manifest injustice.'" Virgin Atl. Airways, Ltd. v. National Mediation Bd., 956 F.2d 1245, 1255 (2d Cir. 1992) (quoting 18 C. Wright, A. Miller & E. Cooper, Federal Practice & Procedure § 4478 at 790). To these ends, a request for reconsideration under Rule 6.3, which governs motions for reconsideration, must demonstrate controlling law or factual matters put before the court in its decision on the underlying matter that the movant believes the court overlooked and that might reasonably be expected to alter the conclusion reached by the court. See Shrader v. CSX Transp., Inc., 70 F.3d 255, 257 (2d Cir. 1995). Rule 6.3 is intended to "ensure the finality of decisions and to prevent the practice of a losing party ... plugging the gaps of a lost motion with additional matters." S.E.C. v. Ashbury Capital Partners, No. 00 Civ. 7898, 2001 WL 604044, at *1 (S.D.N.Y.

May 31, 2001) (quoting Carolco Pictures, Inc. v. Sirota, 700 F. Supp. 169, 170 (S.D.N.Y. 1988)). A court must narrowly construe and strictly apply Rule 6.3 so as to avoid duplicative rulings on previously considered issues and to prevent Rule 6.3 from being used to advance different theories not previously argued, or as a substitute for appealing a final judgment. See Montanile v. National Broad. Co., 216 F. Supp. 2d 341, 342 (S.D.N.Y. 2002); Shamis v. Ambassador Factors Corp., 187 F.R.D. 148, 151 (S.D.N.Y. 1999).

After review of the FGG Defendants' submission, the Court finds that the FGG Defendants urge reconsideration on the basis of essentially the same arguments that were raised in briefing on the original motion to dismiss. The motion at hand cites no controlling law or factual matters the Court overlooked that might reasonably be expected to alter the outcome of Anwar II. Nor is the Court persuaded at this time that its ruling on Plaintiffs' mutual mistake claims requires clarification. Because the FGG Defendants have failed to identify any controlling law or factual matters put to the Court on the underlying motion that the Court demonstrably did not consider, the FGG Defendants' motion for reconsideration is DENIED.

II. ORDER

For the reasons stated above, it is hereby

ORDERED that the motion of defendants Lourdes Barrenche, Vianney d'Hendecourt, Harold Greisman Jacqueline Harary, Julia Luongo, Santiago Reyes, Yanko Della Schiava, Maria Teresa Pulido Mendoza, Corina Piedrahita, Philip Toub, David Horn, Robert Blum, Cornelis Boele, Fairfield Greenwich Limited, Fairfield Greenwich (Bermuda) Ltd., Fairfield Greenwich Advisors, LLC, Fairfield Risk Services Ltd., Fairfield Heathcliff Capital LLC, Richard Landsberger, Andrew Smith, Charles Murphy, Daniel Lipton, Mark McKeefry, Walter Noel, Jeffrey Tucker, Andres Piedrahita, and Amit Vijayvergiya of the Court's Decision and Order dated August 18, 2010 is DENIED.

SO ORDERED.

Dated: New York, New York
20 September 2010



Victor Marrero
U.S.D.J.