

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MAURICIO BAEZ ROMERO,

Plaintiff,

15-cv-4844 (JGK)

- against -

MEMORANDUM OPINION AND
ORDER

DHL EXPRESS (U.S.A), INC.,

Defendant.

JOHN G. KOELTL, District Judge:

The plaintiff, Mauricio Baez Romero, originally brought this action against his former employer, defendant DHL Express (U.S.A.) Inc., alleging that DHL violated the terms of two collective bargaining agreements, as well as New York Labor Law ("NYLL") § 198. This Court denied the plaintiff's motion to remand and granted the defendant's motion for a judgment on the pleadings. The plaintiff has now filed a motion for reconsideration. The motion is **denied**.

The decision to grant or deny a motion for reconsideration rests within the sound discretion of the district court. U.S. Bank Nat. Ass'n v. Nesbitt Bellevue Prop. LLC, 859 F. Supp. 2d 602, 610 (S.D.N.Y. 2012). The Court's reconsideration of a prior order is an extraordinary remedy to be employed sparingly. Anwar v. Fairfield Greenwich Ltd., 800 F. Supp. 2d 571, 572 (S.D.N.Y. 2011). "The major grounds justifying reconsideration are an intervening change of controlling law, the availability

of new evidence, or the need to correct a clear error or prevent manifest injustice." Virgin Atlantic Airways, Ltd. v. Nat'l Mediation Bd., 956 F.2d 1245, 1255 (2d Cir. 1992) (citation omitted).

The plaintiff repeats the arguments previously made and has therefore failed to meet the requirements for a motion for consideration. The plaintiff does not identify any intervening change of controlling law. The plaintiff does not point to any new evidence that was previously unavailable to him. The plaintiff fails to show the need to correct a clear error or prevent manifest injustice. Accordingly, the plaintiff's motion for reconsideration is **denied**.

The Clerk is directed to **close docket no. 49**.

SO ORDERED.

**Dated: New York, New York
January 27, 2017**

_____/s/_____
**John G. Koeltl
United States District Judge**