

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DONALD GRAHAM

Plaintiff,

-against-

RICHARD PRINCE, GAGOSIAN
GALLERY, INC., LAWRENCE
GAGOSIAN,

Defendants.

15-CV-10160 (SHS)

ORDER

SIDNEY H. STEIN, U.S. District Judge.

“A motion for reconsideration may be granted only when ‘the moving party can point to controlling decisions or data that the court overlooked—matters, in other words, that might reasonably be expected to alter the conclusion reached by the court.’” *Broker Genius Inc. v. Seat Scouts LLC*, No. 17-CV-8627 (SHS), 2020 WL 1127007, at *1 (S.D.N.Y. Feb. 20, 2020) (quoting *Shrader v. CSX Transp., Inc.*, 70 F.3d 255, 257 (2d Cir. 1995)). This standard must “be narrowly construed and strictly applied so as to avoid repetitive arguments on issues that have been considered fully by the court.” *Hous. Rts. Initiative v. Compass, Inc.*, No. 21-CV-2221 (SHS), 2023 WL 2989048, at *1 (S.D.N.Y. Apr. 18, 2023) (citation omitted).

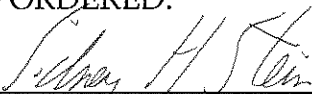
In his “Limited Motion for Partial Reconsideration,” (ECF No. 230), Prince contends that, in the Court’s Opinion & Order denying his motion for summary judgment, *see Graham v. Prince*, No. 15-CV-10160 (SHS), 2023 WL 3383029 (S.D.N.Y. May 11, 2023), the Court failed to consider his argument that the Terms of Service employed by Facebook in 2010 granted Prince an express license to use Graham’s photograph posted on it. However, the Court did consider this issue, cited in its Order the provision of Facebook’s Terms of Service that Prince uses to support this argument, and analyzed the cases Prince cited in his briefs, none of which provide a basis for a finding that he was granted an express license.

Motion for partial reconsideration denied.

Dated: New York, New York

July 6, 2023

SO ORDERED:



Sidney H. Stein, U.S.D.J.