

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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PWV Consultants LLC, :

Plaintiff, :

- against - :

MEMORANDUM AND ORDER

CHEBIL REALTY LLC and ERIC CHEBIL, :

20-CV-9030 (LTS)(KNF)

Defendants. :

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KEVIN NATHANIEL FOX
UNITED STATES MAGISTRATE JUDGE

The plaintiff made an application on September 3, 2021, “with the consent of all parties jointly to request that the discovery deadline be extended by 28 days — to and including October 1, 2021....” See Docket Entry No. 43. Although not styled as such, the plaintiff’s application is, in essence, a motion for reconsideration or reargument made under Local Civil Rule 6.3 of this court. This is so because, on August 31, 2021, the Court denied a request to enlarge the time for completing discovery. See Docket Entry No. 42.

“To be entitled to reargument [under Local Civil Rule 6.3], plaintiffs must demonstrate that the Court overlooked controlling decisions or factual matters that were put before it on the underlying motion.” Davis v. The Gap, Inc., 186 F.R.D.322, 324 (S.D.N.Y. 1999). The plaintiff failed to identify, in the instant application, controlling decisions or factual matters that were put before the Court previously that the Court overlooked. Instead, the plaintiff has placed before the Court, in its September 3, 2021 application, new factual matters and urges the Court to consider them in disposing of the application to enlarge the time for completing discovery.

“Local Rule 6.3 is to be narrowly construed and strictly applied so as to avoid repetitive arguments on issues that have been considered fully by the court.” Id. at 324. Consequently, construing Local Civil Rule 6.3 narrowly and strictly in the instant case, the plaintiff’s September 3, 2021

application, Docket Entry No. 43, is denied.

Dated: New York, New York
September 7, 2021

SO ORDERED:



KEVIN NATHANIEL FOX
UNITED STATES MAGISTRATE JUDGE