

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:14-CV-632-D

JOHN LASCHKEWITSCH,

Plaintiff,

v.

TRANSAMERICA LIFE INSURANCE
COMPANY,

Defendant.

ORDER

On January 26, 2015, John Laschkewitsch (“Laschkewitsch” or “plaintiff”) filed an “emergency motion to dismiss” an arbitration proceeding [D.E. 21]. On February 10, 2015, Laschkewitsch filed a motion for reconsideration [D.E. 23] concerning this court’s order of January 20, 2015, directing the parties to arbitration, and filed a motion for an evidentiary hearing [D.E. 25]. On February 11, 2015, Transamerica Life Insurance Company (“Transamerica”) responded in opposition to the “emergency motion to dismiss.” See [D.E. 27]. On February 27, 2015, Laschkewitsch replied. See [D.E. 28]. On March 2, 2015, Transamerica responded in opposition to the motion for reconsideration. See [D.E. 29]. On March 24, 2015, Laschkewitsch replied. See [D.E. 30].

On January 20, 2015, the court entered a comprehensive order granting Transamerica’s motion to compel arbitration, dismissing Laschkewitsch’s petition to stay arbitration, denying Laschkewitsch’s motion to remand, and staying the action pending arbitration. See Laschkewitsch v. Transamerica Life Ins. Co., No. 5:14-CV-632-D, 2015 U.S. Dist. LEXIS 6726, at *1–3 (E.D.N.C. Jan. 20, 2015) (unpublished). As explained in Transamerica’s response to Laschkewitsch’s “emergency motion to dismiss” [D.E. 27], this court’s order of January 20, 2015, dooms

Laschkewitsch's "emergency motion to dismiss." Accordingly, the court denies the "emergency motion to dismiss."

As for Laschkewitsch's motion for reconsideration, the court has considered Laschkewitsch's motion for reconsideration under the governing standard. See, e.g., Zinkand v. Brown, 478 F.3d 634, 637 (4th Cir. 2007); Bogart v. Chapell, 396 F.3d 548, 555 (4th Cir. 2005); Hill v. Braxton, 277 F.3d 701, 708 (4th Cir. 2002); Pac. Ins. Co. v. Am. Nat'l Fire Ins. Co., 148 F.3d 396, 403 (4th Cir. 1998); Hughes v. Bedsole, 48 F.3d 1376, 1382 (4th Cir. 1995); Collison v. Int'l Chem. Workers Union, 34 F.3d 233, 236 (4th Cir. 1994); Hutchinson v. Staton, 994 F.2d 1076, 1081 (4th Cir. 1993). The motion lacks merit and is denied. Likewise, nothing in this case warrants an evidentiary hearing in this court. Laschkewitsch can present evidence in the arbitration proceeding. Accordingly, Laschkewitsch's motion for an evidentiary hearing is denied.

In sum, plaintiff's motions [D.E. 21, 23, 25] are DENIED.

SO ORDERED. This 20 day of April 2015.



JAMES C. DEVER III
Chief United States District Judge