

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION
IN ADMIRALTY
No. 7:16-CV-237-D

NEW HAMPSHIRE INSURANCE)
COMPANY, AS SUBROGEE OF)
SANCTUARY, LLC)
)
Plaintiff,)
)
v.)
)
BENNETT BROTHERS YACHTS, INC.)
)
Defendant.)

ORDER

On June 7, 2018, Bennett Brothers Yachts, Inc. (“Bennett Brothers”) moved for reconsideration [D.E. 46] concerning this court’s order of May 22, 2018, and filed a memorandum in support [D.E. 47]. On June 28, 2018, New Hampshire Insurance Company (“NHIC”) responded in opposition [D.E. 49]. On July 5, 2018, Bennett Brothers replied [D.E. 51].


The court has considered Bennett Brothers’s motion for reconsideration under the governing standard. See Fed. R. Civ. P. 59(e); Zinkand v. Brown, 478 F.3d 634, 637 (4th Cir. 2007); Bogart v. Chapell, 396 F.3d 548, 555 (4th Cir. 2005); 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). The motion for reconsideration lacks merit and is denied. To the extent Bennett Brothers seeks clarification concerning this court’s order, this court’s order was clear. The court stated that NHIC can pursue damages for the diminution in value or the estimated cost of repairs. See [D.E. 42] 3–4. Diminution in value, however, is calculated based on the estimated cost of repairs. Id. at 4; see Yarmouth Sea

Prods. Ltd. v. Scully, 131 F.3d 389, 399 (4th Cir. 1997); Hewlett v. Barge Bertie, 418 F.2d 654, 657 (4th Cir. 1969).

Finally, Bennett Brothers's motion discusses NHIC's alleged failure to provide cogent and consistent theories of damages and evidence to support such damages during discovery. See [D.E. 47] 3. This order does not address the admissibility of NHIC's evidence of damages at trial. Cf. Omnisource Corp. v. Heat Wave Metal Processing, Inc., No. 5:13-CV-772-D, 2015 WL 3452918, at *9-10 (E.D.N.C. May 29, 2015) (unpublished); Silicon Knights, Inc. v. Epic Games, Inc., No. 5:07-CV-275-D, 2012 WL 1596722, at *4-10 (E.D.N.C. May 7, 2012); Silicon Knights, Inc. v. Epic Games, Inc., No. 5:07-CV-275-D, 2011 WL 6748518, at *6-17 (E.D.N.C. Dec. 22, 2011) (unpublished); Gallagher v. S. Source Packaging, LLC, 568 F. Supp. 2d 624, 630-36 (E.D.N.C. 2008).

In sum, Bennett Brothers's motion for reconsideration [D.E. 46] is DENIED.

SO ORDERED. This 14 day of August 2018.



JAMES C. DEVER III
Chief United States District Judge