

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

FERRALLOY, INC.)	CASE NO. 08 CV 2480
)	
Plaintiff,)	JUDGE PATRICIA A. GAUGHAN
)	
vs.)	
)	
ENDURANCE TECHNOLOGIES, INC.,)	<u>Memorandum of Opinion and Order</u>
)	
Defendant.)	

This matter is before the Court upon plaintiff’s Motion for Reconsideration (Doc. 21). The Court previously dismissed plaintiff’s complaint without prejudice for lack of personal jurisdiction.

The Federal Rules of Civil Procedure do not provide for motions for reconsideration. “Instead, such motions, if served within ten days of entry of judgment, are considered motions to alter or amend judgments pursuant to [] Rule 59(e).” *Stubblefield v. Truck Stops Corp. of Am.*, 117 F.3d 1421 (6th Cir. 1997) (citing *Huff v. Metropolitan Life Ins. Co.*, 675 F.2d 119, 122 (6th Cir. 1982)). “Generally, there are three major situations which justify a court reconsidering one

of its orders: 1) to accommodate an intervening change in controlling law; 2) to account for new evidence not available at trial; or 3) to correct a clear error of law or to prevent a manifest injustice.” *Hancor, Inc. v. Inter American Builders Agencies*, 1998 WL 239283 (N.D. Ohio March 19, 1998) (citing *In re Continental Holdings, Inc.*, 170 B.R. 919, 939 (Bankr. N.D. Ohio 1994)). The ten-day filing period is jurisdictional in nature, and any motion to reconsider filed outside this time frame is of no effect. *Feathers v. Chevron, U.S.A., Inc.*, 141 F.3d 264, 268 (6th Cir. 1998).

Plaintiff argues that this Court committed a clear error of law by failing to consider certain facts set forth in the affidavit of its President, Mr. Habansky. The affidavit establishes that defendant’s President, Mr. Chinski, visited Ohio after defendant placed its order for plaintiff’s steel tubes and also solicited additional pricing information.

The Court did and has considered these and all facts set forth in Mr. Habansky’s affidavit. These facts simply do not establish that defendant purposefully availed itself of the forum. Plaintiff’s Motion for Reconsideration is DENIED.

IT IS SO ORDERED.

/s/ Patricia A. Gaughan
PATRICIA A. GAUGHAN
United States District Judge

Dated: 3/31/09