UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

JAMES W. HARPER,
Plaintiff,

v.

CASE NO. 2:12-CV-00049
JUDGE EDMUND A. SARGUS, JR.
MAGISTRATE JUDGE NORAH M. KING

NORFOLK SOUTHERN RAILWAY COMPANY,
Defendant.

ORDER

This matter is before the Court on Defendant Norfolk Southern Railway Company's motion to reconsider. Doc. 80. The motion concerns the Court's January 13, 2014 Opinion and Order granting summary judgment in favor of Plaintiff, doc. 78; Defendant specifically urges the Court to reconsider its ruling on the issue of causation, doc. 80 at 1.

The Court has authority, both under common law and the Federal Rules of Civil Procedure, to reconsider interlocutory orders before the entry of final judgment. *See* Fed. R. Civ. P. 54(b) ("[A]ny order or other decision . . . that adjudicates fewer than all the claim . . . may be revised at any time before the entry of a judgment adjudicating all the claims and all the parties' rights and liabilities."); *In re Life Investors Ins. Co. of Am.*, 589 F.3d 319, 326 n.6 (6th Cir.2009) ("[A] district court may always reconsider and revise its interlocutory orders while it retains jurisdiction over the case."). Courts "[t]raditionally" justify reconsideration of an interlocutory order in the event of: "(1) an intervening change of controlling law; (2) new evidence available; or (3) a need to correct a clear error or prevent manifest injustice." *Rodriguez v. Tenn. Laborers Health & Welfare Fund*, 89 F. App'x 949, 959 (6th Cir. 2004); *see also Tenn. Protection &*

Advocacy, Inc. v. Wells, 371 F.3d 342, 348 (6th Cir. 2004) (defining manifest injustice as "[a]n error in the trial court that is direct, obvious, and observable").

None of these justifications applies to this case. Defendant does not attempt to argue for reconsideration based on the first two, and none of Defendant's arguments as to the third counsels in favor of reconsideration. For these reasons, Defendant's motion for reconsideration, doc. 80, is **DENIED**.

IT IS SO ORDERED.

1-31-2014
DATE

EDMUND A. SARGUS, JR.
UNITED STATES DISTRICT JUDGE