

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

|                                 |   |              |
|---------------------------------|---|--------------|
| KENNETH J. TAGGART,             | : |              |
|                                 | : | CIVIL ACTION |
| Plaintiff,                      | : |              |
|                                 | : |              |
| v.                              | : |              |
|                                 | : | NO. 16-00063 |
| WELLS FARGO BANK, N.A., et al., | : |              |
|                                 | : |              |
| Defendants.                     | : |              |

**MEMORANDUM**

Stengel, J.

July 28, 2017

In yet another attempt to avoid the obligations of his mortgage, Kenneth Taggart filed a motion for reconsideration of my decision dismissing his amended complaint. For the following reasons, the motion for reconsideration is denied.

**I. FACTUAL BACKGROUND**

The factual background of this case is very familiar to the parties. I will therefore incorporate by reference the factual discussion from the opinions adjudicating the defendants' motions to dismiss the amended complaint and the complaint. See Taggart v. Wells Fargo Bank, N.A., No. Civ.A 16-00063, 2017 WL 2347186, at \*1 (E.D. Pa. May 30, 2017); Taggart v. Wells Fargo Bank, N.A., No. Civ.A. 16-00063, 2016 WL 5661736, at \*1 (E.D. Pa. Sept. 30, 2016).

**II. STANDARD OF REVIEW**

“The scope of a motion for reconsideration . . . is extremely limited.” OR v. Hutner, 576 F. App'x 106, 110 (3d Cir. 2014) (quoting Blystone v. Horn, 664 F.3d 397, 415–16 (3d Cir. 2011)). “Such motions are not to be used as an opportunity to relitigate the case; rather, they

may be used only to correct manifest errors of law or fact or to present newly discovered evidence.” Id. A motion for reconsideration filed pursuant to Rule 59(e) of the Federal Rules of Civil Procedure may be granted if the moving party shows: “(1) an intervening change in controlling law; (2) the availability of new evidence that was not available when the court initially issued its order; or (3) the need to correct a clear error of law or fact or to prevent manifest injustice.” Max’s Seafood Café v. Quinteros, 176 F.3d 669, 677 (3d Cir. 1999).<sup>1</sup>

Motions for reconsideration are granted sparingly. Cont’l Cas. Co. v. Diversified Indus., Inc., 884 F. Supp. 937, 943 (E.D. Pa. 1995). The grant of a motion for reconsideration is improper where it simply asks the court to “rethink what [it] had already thought through—rightly or wrongly.” Glendon Energy Co. v. Borough of Glendon, 836 F. Supp. 1109, 1122 (E.D. Pa. 1993) (internal quotations omitted). Moreover, motions for reconsideration may not be used “as a means to argue new facts or issues that inexcusably were not presented to the court in the matter previously decided.” Brambles USA, Inc. v. Blocker, 735 F. Supp. 1239, 1240 (D.

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<sup>1</sup> As the defendants point out, the plaintiff does not specify whether his motion is pursuant to Rule 59(e) or Rule 60(b). Assuming that the plaintiff intends to assert a claim for relief under Rule 60(b), it fails. Rule 60(b) provides relief where there is

- (1) mistake, inadvertence, surprise, or excusable neglect;
- (2) newly discovered evidence that, with reasonable diligence, could not have been discovered in time to move for a new trial under Rule 59(b);
- (3) fraud (whether previously called intrinsic or extrinsic), misrepresentation, or misconduct by an opposing party;
- (4) the judgment is void;
- (5) the judgment has been satisfied, released or discharged; it is based on an earlier judgment that has been reversed or vacated; or applying it prospectively is no longer equitable; or
- (6) any other reason that justifies relief.

Fed. R. Civ. P. 60. None of these circumstances is present here. The plaintiff asserts that American Partners Bank is committing fraud and fraud on the court (Pl.’s Mot. Reconsideration 10), but the fact that a bank changed its name at a certain point in time does not constitute fraud. Accordingly, to the extent that the plaintiff seeks relief pursuant to Rule 60(b), it is denied.

Del. 1990). “Nor may a motion for reconsideration be used to revisit or raise new issues with the benefit of ‘the hindsight provided by the court’s analysis’” or to advance arguments that would not change the result of the court’s initial ruling. Marshak v. Treadwell, No. Civ.A.95-3794, 2008 WL 413312, at \*7 (D.N.J. Feb. 13, 2008), aff’d in part & remanded by 595 F.3d 478 (3d Cir. 2009) (quoting United States v. Jones, 158 F.R.D. 309, 314 (D.N.J. 1994)).

### **III. DISCUSSION**

The plaintiff’s motion for reconsideration is based on the same inaccurate assertions and erroneous conclusions that he relied on in responding to the motions to dismiss his complaint and amended complaint. Although the plaintiff characterizes his assertions as “fact” and “uncontroverted evidence,” they are more accurately described as conclusory allegations that cannot withstand a motion to dismiss. More importantly, for purposes of considering a motion for reconsideration, he does not set forth any assertions that there has been a change in the controlling law or that there is new evidence in support of his claims, and his disagreement with my decision dismissing his amended complaint does not demonstrate the need to correct a clear error of law or fact or to prevent manifest injustice. He has therefore failed to establish any of the grounds that would warrant reconsideration of the dismissal of his amended complaint.

### **IV. CONCLUSION**

Based on the above discussion, I decline to reconsider the holding of my May 30, 2017 decision dismissing the amended complaint. The motion for reconsideration is therefore denied.

An appropriate Order follows.