

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF PENNSYLVANIA

MI WINDOWS & DOORS, INC.,

Plaintiff,

v.

SOUTHEASTERN FREIGHT LINES, INC.,

Defendant.

Civil Action No. 2:07-cv-01233-GLL

(FILED ELECTRONICALLY)

**MOTION FOR RECONSIDERATION OF SOUTHEASTERN FREIGHT LINES, INC.
PURSUANT TO FED. R. CIV. P. 59(E) OR, IN THE ALTERNATIVE, FOR CERTIFICATION
FOR INTERLOCUTORY APPEAL PURSUANT TO 28 U.S.C. 1292(B)**

Defendant, Southeastern Freight Lines, Inc. ("Southeastern"), moves pursuant to *Fed. R. Civ. P. 59(e)*, for reconsideration of This Honorable Court's Order of June 2, 2010 ("Order"), granting partial summary judgment in favor of Plaintiff, MI Windows and Doors, Inc. ("MIWD"), and denying Southeastern's motion for summary judgment, because of a clear error of law contained therein.

In the alternative, Southeastern moves This Honorable Court to certify and amend its Order for interlocutory appeal, pursuant to 28 U.S.C. § 1292(b), because the Order concerns a controlling question of law as to which there is a substantial ground for difference of opinion and an immediate appeal may materially advance the ultimate termination of the litigation.

In support thereof, Southeastern respectfully submits herewith its Memorandum of Law and requests oral argument on this Motion.

WHEREFORE, Southeastern requests that the Court grant this Motion reconsidering its Order of June 2, 2010 and thereby enter summary judgment in favor of Southeastern and against MIWD. Alternatively, Southeastern requests that the Court certify its Order for interlocutory appeal and stay all proceedings in this matter in the interim.

Respectfully submitted,

Dated: June 30, 2010

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s/ James J. Quinlan

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Attorneys for Defendant,
Southeastern Freight Lines, Inc.

AND NOW, THIS 6th DAY OF
July 10, IT IS HEREBY
ORDERED THAT THE WITHIN
MOTION IS DENIED.

G L Lancaster

**GARY L. LANCASTER,
UNITED STATES DISTRICT JUDGE**