

**IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

MAURICIO WIOR,

Petitioner,

v.

BELLSOUTH CORPORATION,

Respondent.

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1:15-CV-02375-ELR

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**ORDER**

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Presently before the Court is Petitioner's Motion for Reconsideration, Motion for Oral Argument, and Emergency Motion to Stay. The Court finds that oral argument is not necessary in this case, and issues its ruling below.

The Court has already thoroughly set forth the facts of this case in its June 29, 2016 Order (Doc. No. 33) and does not restate them here. Rather, the Court provides the following for context only. Petitioner filed this action on July 1, 2015, seeking to stay arbitration of a contract dispute between the parties. On June 29, 2016, the Court ruled on three pending motions on the merits of this dispute: Petitioner's Motion to Stay Arbitration; Respondent's Motion to Stay Litigation and Compel Arbitration; and Petitioner's Motion for Permanent Injunction to

Enjoin the Arbitration. Each of these motions addressed substantially the same issue: whether the parties must arbitrate their dispute. The Court ruled that the parties must submit to arbitration and that Respondent had not waived its right to arbitrate. Now before the Court is Petitioner's motion to reconsider that ruling. Specifically, Petitioner argues that the Court committed clear error in three respects: (1) assuming that a timely motion to compel arbitration would have been decided by the Argentina court; (2) concluding that Respondent's only involvement in the Argentina litigation was requesting documents from third parties; and (3) discounting the progression of the Argentina litigation.

The decision to grant a motion for reconsideration is committed to the sound discretion of the district court. Fla. Ass'n of Rehab. Facilities, Inc. v. State of Fla. Dep't of Health and Rehab. Servs., 225 F.3d 1208, 1216 (11th Cir. 2000). Motions for reconsideration are to be filed only when "absolutely necessary" where there is: (1) newly discovered evidence; (2) an intervening development or change in controlling law; or (3) a need to correct a clear error of law or fact. Bryan v. Murphy, 246 F. Supp. 2d 1256, 1258-59 (N.D. Ga. 2003); see also Kramer v. Conway, 962 F. Supp. 2d 1333, 1356 (N.D. Ga. 2013). Motions for reconsideration are not appropriate to present the Court with arguments already heard and dismissed, to repackage familiar arguments, or to show the Court how it "could have done it better" the first time. Pres. Endangered Areas of Cobb's

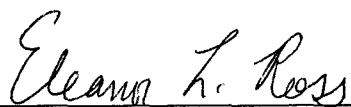
History, Inc. v. United States Army Corps of Eng'rs., 916 F. Supp. 1557, 1560 (N.D. Ga. 1995). “In other words, a party may not employ a motion for reconsideration as a vehicle to present new arguments or evidence that should have been raised earlier, introduce novel legal theories, or repackage familiar arguments to test whether the Court will change its mind.” Pediatric Med. Devices, Inc. v. Indiana Mills & Mfg., Inc., 961 F. Supp. 2d 1241, 1243 (N.D. Ga. 2013).

Petitioner does not allege newly discovered evidence or an intervening change in controlling law and instead relies on its position that this Court clearly erred in its prior order. “An error is not clear and obvious if the legal issues are at least arguable.” United States v. Battle, 272 F. Supp. 2d 1354, 1358 (N.D. Ga. 2003) (internal quotations omitted). In essence, Petitioner argues that the Court could have done better and is testing whether the Court will change its mind. Upon careful consideration of the entire record, the Court finds that Petitioner has not met the standard required of a motion for reconsideration.

In the time since Petitioner filed his Motion for Reconsideration, Respondent filed a Motion for Permanent Injunction. Petitioner then filed an Emergency Motion to Stay, wherein he requests that the Court stay his deadline to respond to Respondent’s motion until after the Court rules on the Motion for Reconsideration. Having now ruled, Petitioner’s Motion to Stay is moot.

Accordingly, the Court **DENIES** Petitioner's Motion for Reconsideration (Doc. No. 38); **DENIES** Petitioner's Motion for Oral Argument (Doc. No. 40); and **DENIES AS MOOT** Petitioner's Emergency Motion for Stay of Deadline to Oppose Respondent's Motion for Permanent Injunction (Doc. No. 46).

**SO ORDERED**, this 12<sup>th</sup> day of October, 2016.



Eleanor L. Ross  
United States District Judge  
Northern District of Georgia