



the motion shall be filed with the Clerk of Court within 10 days after entry of the order or judgment. Responses shall be filed not later than ten days after service of the motion. Parties and attorneys for the parties shall not file motions to reconsider the Court's denial of a prior motion for reconsideration.

Motions filed pursuant to Bankruptcy Rule 9023 to alter or amend judgments likewise must be served within ten days after entry of judgment. Pursuant to Bankruptcy Rule 9024, a movant may seek relief from a judgment or order if the motion is filed within a reasonable time. A movant may obtain such relief from a judgment or order for the following reasons:

- (1) mistake, inadvertence, surprise, or excusable neglect;
- (2) newly discovered evidence which by due diligence could not have been discovered in time to move for a new trial under [Bankruptcy] Rule [9023];
- (3) fraud (whether heretofore denominated intrinsic or extrinsic), misrepresentation, or other misconduct of an adverse party;
- (4) the judgment is void;
- (5) the judgment has been satisfied, released, or discharged, or a prior judgment upon which it is based has been reversed or otherwise vacated, or it is no longer equitable that the judgment should have prospective application; or
- (6) any other reason justifying relief from the operation of the judgment.

Bankruptcy Rule 9023 motions for new trial or to alter or amend should not be used to relitigate issues already decided, to pad the record for an appeal or to substitute

for an appeal. *Kellogg v. Schreiber*, 197 F. 3d 1116 (11<sup>th</sup> Cir. 1999); *In re McDaniel*, 217 B.R. 348 (Bankr. N.D. Ga. 1998)(J. Drake); *In re Oak Brook Apartments of Henrico County, Ltd.*, 126 B.R. 535 (Bankr. S.D. Ohio 1991). Such a motion is frivolous if it raises no manifest errors of law or misapprehensions of fact to explain why the court should change the original order. *Magnus Electric v. Masco Corp.*, 871 F. 2d 626 (7th Cir. 1989). *Unioil v. E.F. Hutton & Co.*, 809 F. 2d 548 (9th Cir. 1986). Motions to alter or amend should not be used to raise arguments which were or could have been raised before judgment was issued. *Kellogg v. Schreiber*, 197 F. 3d 1116 (11<sup>th</sup> Cir. 1999); *In re McDaniel*, 217 B.R. 348 (Bankr. N.D. Ga. 1998)(J. Drake); *O'Neal v. Kennamer*, 958 F. 2d 1044 (11th Cir. 1992). Parties who receive an adverse ruling are not encouraged to, as a matter of course, request the court "to rethink what the Court had already thought through – rightly or wrongly." *Above the Belt, Inc. v. Mel Bohannon Roofing, Inc.*, 99 F.R.D. 99, 101 (E.D.Va.1983). The purpose of a motion for reconsideration "is not to give [a] party a second bite at the apple." *Id.* at 261, quoting *Hoye v. McCoy*, 157 B.R. 705, 708 (Bankr.M.D.Fla.1993).

Debtor's motion for reconsideration presents no legal or factual arguments not previously presented to and considered by the undersigned. The arguments Debtor has presented are no more persuasive now that they were the first time they were presented. Debtor asserted that the court incorrectly stated that Coastal Care Resources, LLC, did not receive a discharge. Although the order entered June 5, 2007

contained that statement and may have been incorrect, it is irrelevant to the conclusions in the order. A discharge does not constitute a release or satisfaction of a debt and does not affect the liability of any other party on such a debt, as is expressly set forth in §524(e):

Except as provided in subsection (a)(3) [*not applicable in this case*] of this section, discharge of a debt of the debtor does not affect the liability of any other entity on, or the property of any other entity for, such debt.

Additionally, irrespective of whether Debtor has standing to challenge Trustee's actions, the undersigned has heard and carefully considered Debtor's arguments.

Accordingly, Debtor has presented no argument sufficient to require reconsideration or amendment of the order entered June 5, 2007, and it is hereby

ORDERED that Debtor's motion for reconsideration is *denied*.

IT IS SO ORDERED, this the 27<sup>th</sup> day of June, 2007.

  
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MARGARET H. MURPHY, JUDGE  
U.S. BANKRUPTCY COURT