NOT INTENDED FOR PUBLICATION

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION

IN RE: CASE NO. 08-13079	)	
	)	
HEIDI A. RYBOLT	)	
	)	
Debtor	)	
	)	
	)	
HEIDI A. RYBOLT	)	
	)	
Plaintiff	)	
	)	
vs.	)	PROC. NO. 14-1075
	)	
CARRINGTON MORTGAGE SERVICES, LLC	)	
	)	
	)	
Defendant	)	

DECISION AND ORDER DENYING MOTION TO RECONSIDER

On November 6, 2015.

Carrington Mortgage Services has filed a motion to reconsider the court's decision and order of October 21, 2015 denying its motion to withdraw or amend admissions, along with a separate brief in support thereof, as required by the court's local rules. See, N.D. Ind. L.B.R. B-7001-1. The motion, which may be considered without requiring a response, Dunn v. Truck World, Inc., 929 F.2d 311, 313 (7th Cir. 1991); see also, N.D. Ind. L.B.R. B-9023-1(b), is based upon a claimed error of apprehension: in other words the court misunderstood Carrington's arguments in making its decision. The problem is not that the court misunderstood Carrington's arguments – it understood those arguments perfectly well – the problem is that the court found them to be poorly developed – "little more than formulaic recitations" – that were altogether inadequate. Counsel has now tried to correct those inadequacies through the motion to reconsider. But there is nothing in the present motion that

could not have been included in the original motion.

Litigation is not an exercise in "if at first you don't succeed, . . ." Motions to reconsider are not an opportunity to rehash earlier arguments, or to present arguments or evidence "that could and should have been presented" before, in the hope that the court will change its mind. Moro v. Shell Oil Co., 91 F.3d 872, 876 (7th Cir.1996) (citing LB Credit Corp. v. Resolution Trust Corp., 49 F.3d 1263, 1267 (7th Cir.1995)). See also, Lock Realty Corporation IX v. U.S. Health, LP, 2010 U.S. Dist. LEXIS 3122 (N.D. Ind. 2010). Court orders are not "mere first drafts, subject to revision and reconsideration at a litigant's pleasure." Quaker Alloy Casting Co. v. Gulfco Indus., Inc., 123 F.R.D. 282, 288 (N.D. Ill. 1988). Carrington has failed to demonstrate the "extraordinary circumstances" needed to justify reconsideration of the court's decision, Lock Realty, 2010 U.S. Dist. LEXIS 3122, and its motion to do so is, therefore, DENIED.

/s/ Robert E. Grant
Chief Judge, United States Bankruptcy Court