

UNITED STATES DISTRICT COURT  
FOR THE  
DISTRICT OF VERMONT

JANET JENKINS ET AL., :  
 :  
 Plaintiffs :  
 :  
 v. :Case No. 2:12-cv-184  
 :  
 KENNETH L. MILLER ET. AL., :  
 :  
 Defendants. :

OPINION AND ORDER: PLAINTIFFS' MOTION FOR RECONSIDERATION OF THE  
COURTS' NOVEMBER 18, 2019 ORDER

(ECF 418)

Plaintiff Janet Jenkins, for herself and as next friend of her daughter Isabella Miller-Jenkins, has brought suit against several individuals and organizations, alleging that they kidnapped and conspired to kidnap Isabella. Plaintiffs assert claims of commission of, and conspiracy to, commit an intentional tort of kidnapping and conspiracy to violate civil rights under 42 U.S.C. § 1985(3).

Plaintiffs have filed a motion for reconsideration of the court's November 18, 2019 order regarding their recent motion to clarify and / or modify the discovery schedule in this case. See ECF 418. For the following reasons, Plaintiffs' motion for reconsideration is **granted**. The new deadline for discovery, pursuant to the Court's Final Discovery Schedule / Order, is March 2, 2020.

**STANDARD OF REVIEW**

A court may consider a motion for reconsideration filed under Federal Rule of Civil Procedure 59(e). *Assoc. for Retarded Citizens of Conn., Inc. v. Thorne*, 68 F.3d 547, 553 (2d Cir. 1995). Motions for reconsideration should not be used to repackage arguments previously rejected. *Robinson v. Disney Online*, 152 F.Supp.3d 176, 185 (S.D.N.Y. 2015). Rule 59(e) is not intended to provide "a second bite at the apple." *Analytical Surveys, Inc. v. Tonga Partners, L.P.*, 684 F.3d 36, 53 (2d Cir. 2012). A motion for reconsideration under Rule 59(e) is properly brought under one of four theories: the judgment depends upon a manifest error of fact or law, there is newly discovered or previously unavailable evidence, it is necessary to prevent a manifest injustice, or there has been an intervening change in controlling law. Charles Alan Wright, et al., 11 Federal Practice & Procedure § 2810.1 (3d ed. 2012).

**DISCUSSION**

On November 7, 2019, Plaintiffs filed a motion to clarify and / or extend the discovery schedule in this case. ECF 401. Plaintiffs submitted that the Court's June 26<sup>th</sup> Order to modify the discovery timeline was unclear as to whether the modified discovery schedule was to be extended by six weeks or six months. Plaintiffs further argued that, even if this Court had granted only a six-week extension, good cause exists to extend

discovery anew to a March 2 deadline. Defendants opposed Plaintiffs' motion. ECF 404.

The Court granted in part and denied in part Plaintiffs' motion, clarifying that it had initially only granted a 6-week extension, and providing a partial (four month) extension of the discovery deadline to January 2, 2020. ECF 411. Plaintiffs' now submit this motion for reconsideration of the Court's November 18, 2019 Order, objecting to the Court's inference that Plaintiffs may not require a six-month extension, which they aver has been the basis of their planning thus far. ECF 418.

Since the Court's November 18<sup>th</sup> Order, Plaintiffs' have provided additional in-depth explanation of the necessity of a March 2, 2020 discovery deadline, as well as additional documentation regarding the nature of their initial confusion as to whether the Court had provided for a six-week or six-month discovery deadline extension. Specifically, Plaintiffs' demonstrate that, prior to the Courts' June 26<sup>th</sup> Order, both parties had agreed to a six-month extension, which RUL Defendants referenced in their Response to Plaintiffs' original motion for a six-week extension of discovery. While an earlier inquiry from either party would have been most proper in this situation, the Court recognizes the ambiguity inherent in its

June 26th text-only order, as well Plaintiffs' genuine confusion as to the modified discovery deadline.

Additionally, Plaintiffs submit that the Court's decision on November 18<sup>th</sup> to extend the discovery deadline by four months (to January 2, 2020) risks prejudicing their ability to collect the evidence necessary to their case. They state that this is particularly true due to the recently granted motions to compel discovery in this case, as well as the intervening holidays between now and the close of discovery. In light of these logistical difficulties, the complexity of this case, and the considerable recent misunderstandings regarding the discovery schedule, the Court will allow the six-month extension in the interest of allowing parties full opportunity to thoroughly collect evidence, and to avoid any risk of prejudice or injustice.

Thus, Plaintiffs' motion for reconsideration of the Courts' November 18 Order to clarify and / or modify the discovery schedule is **granted**. The new deadline for discovery, pursuant to the Court's Final Discovery Schedule / Order, is March 2, 2020.

**CONCLUSION**

For the following reasons, Plaintiffs' motion for reconsideration is **granted**. The new deadline for discovery, pursuant to the Court's Final Discovery Schedule/Order, is March 2, 2020.

DATED at Burlington, in the District of Vermont, this 25<sup>th</sup> day of November, 2019.

/s/ William K. Sessions III  
William K. Sessions III  
District Court Judge