

New York Law Journal

ALM Properties, Inc.

Page printed from: New York Law Journal

[Back to Decision](#)

Sankar v. NYC, 07 CV 4726(RJD)(SMG)

U.S. District Court, Eastern District

07 CV 4726(RJD)(SMG)

New York Law Journal

08-01-2012

Cite as: Sankar v. NYC, 07 CV 4726(RJD)(SMG), NYLJ 1202565077356, at *1 (Sup., NY, Decided July 18, 2012)

District Judge Raymond J. Dearie

Decided: July 18, 2012

ATTORNEYS

For Plaintiff: Anthony J. Colleluori, Melville, NY, Diane C. Petillo, Law Offices of Anthony J. Colleluori & Associates, LLC Douglas M. Reda, Woodbury, NY

For Defendants: Baree N. Fett, Brian Francolla, Noreen M. Stackhouse, Nyc Law Department, Gabriel Paul Harvis, Harvis Marinelli Saleem & Wright LLP, New York, NY.

Opinion

MEMORANDUM & ORDER

*1

On March 30, 2012, this Court granted in part and denied in part defendants' motion for summary judgment after full consideration of all the evidence and applicable case law. Sankar v. City of New York, No. 07 CV 4726(RJD) (SMG), 2012 WL 1116984, at * 13 (E.D.N.Y. Mar. 30, 2012). The remaining defendants now move for reconsideration, arguing, in part, that the Court misapplied the law with respect to probable cause and qualified immunity. In so moving, defendants impermissibly attempt to relitigate issues already fully considered and decided and, in the process, misconstrue the Court's analysis. Defendants also contend that the application of new Supreme Court precedent defeats plaintiff's claim for malicious prosecution. *Rehberg v. Paulk*, — U.S. —, 132 S.Ct. 1497, 182 L.Ed.2d 593 (2012), however, is inapplicable to the facts of this case and thus does not alter the Court's analysis. Defendants' motion for reconsideration is, therefore, denied.

DISCUSSION

Motions for reconsideration in this district are governed by Rule 59(e) of the Federal Rules of Civil Procedure and Local Civil Rule 6.3 of the Southern and Eastern Districts of New York. See generally *United States v. James*, No. 02 CV 0778(SJ), 2007 WL 914242, at *3 (E.D.N.Y. Mar.21, 2007). According to the Second Circuit, "[t]he standard for