

UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT

STEWART DAY,	:	
	:	
Plaintiff,	:	
	:	
v.	:	CASE NO. 3:09CV1079 (RNC)
	:	
VLADIMIR BENISOVICH,	:	
	:	
Defendant.	:	

RULING ON MOTION FOR RECONSIDERATION

Pending before the court is the defendant's Motion for Reconsideration, doc. #32. The standard for granting a motion for reconsideration is "strict." Shrader v. CSX Transp., Inc., 70 F.3d 255, 257 (2d Cir. 1995). "The only permissible grounds on which to grant a motion for reconsideration are: (1) an intervening change in the law; (2) the availability of new evidence not previously available; or (3) the need to correct a clear error of law or prevent manifest injustice." Martin v. Dupont Flooring Sys., No. 3:01 CV 2189(SRU), 2004 U.S. Dist. LEXIS 9373, \*3 (D. Conn. May 25, 2004) (internal citations omitted). None of these factors have been satisfied. Rather, defendant objects to the court's ruling (docs. #28 and #30), granting defendant's Motion for Disclosure of Assets (doc. #5), on grounds he could have advanced at a number of stages earlier in the proceedings: at a status conference before the hearing (doc. #11), in his pre-hearing brief (doc. #13), at the hearing (doc. #18), or in a post-hearing brief (doc. #20). A party cannot seek reconsideration "to plug gaps in an original argument or to argue

in the alternative once a decision has been made.” Horsehead Resource Dev. Co., Inc. v. B.U.S. Env'tl. Serv., Inc., 928 F. Supp. 287, 289 (S.D.N.Y. 1996) (internal quotation marks and citations omitted). The defendant's Motion for Reconsideration, doc. #32, is DENIED.

Even if the court were to reconsider, it would adhere to its prior ruling. The defendant did not offer evidence or even argument to show that plaintiff's insurance payments constitute a collateral source under Conn. Gen. Stat. §52-225a which would entitle defendant to a reduction of plaintiff's recovery after trial. Neither was there any evidence or argument as to whether the insurance payments fall within the exception for “a collateral source for which a right of subrogation exists.” Conn. Gen. Stat. §52-225a(a). Finally, the parties should note that even if these payments did constitute a collateral source which would reduce the amount of the plaintiff's recovery, the court could entertain a motion to modify the prejudgment remedy issued. Conn. Gen. Stat. § 52-278k.

SO ORDERED at Hartford, Connecticut this 26<sup>th</sup> day of May, 2010.

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/s/  
Donna F. Martinez  
United States Magistrate Judge