

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

JOSEPH B. WHITEFORD and)	
JOHN K. WHITEFORD,)	
)	
Plaintiffs,)	
)	
v.)	02: 07cv0272
)	
PENN HILLS MUNICIPALITY,)	
HOWARD DAVIDSON as an individual,)	
LEONARD J. HROMYAK as an individual,)	
ROBERT C. GALLO as an individual,)	
MICHAEL LETTRICH, ESQ., as an individual))	
MEYER, DARRAGH, BUCKLER,)	
BEBENEK & ECK, P.L.L.C. as a law firm,)	
and DAN PELLEGRINI as an individual,)	
)	
Defendants.)	

MEMORANDUM ORDER OF COURT

Presently pending before the Court for disposition is the *pro se* PETITION FOR RECONSIDERATION THE DISTRICT COURT DISMISS ON JUNE 25, 2007 OF CASE 07-272 filed by Plaintiffs, Joseph B. Whiteford and John K. Whiteford, George Scheib and Carole L. Scheib (*Document No. 36*), the RESPONSE in opposition filed by Defendants Penn Hill Municipality and Howard Davidson (*Document No. 37*), and the RESPONSE in opposition filed by Defendants Michael Lettrich and Meyer Darragh Buckler Bebenek & Eck, PLLC (*Document No. 38*).

Plaintiffs ask the Court for reconsideration of the Memorandum Opinion and Order of Court entered June 25, 2007, in which the Court granted the Motions to Dismiss filed by Defendants.

Generally a motion for reconsideration will only be granted if: (1) there has been an intervening change in controlling law; (2) new evidence, which was not previously available, has become available; or (3) necessary to correct a clear error of law or to prevent manifest injustice. *Hirsch Corp. v. Zlotnicki*, 779 F.2d 906, 909 (3d Cir. 1985), *cert. denied*, 47 U.S. 1171 (1986).

Plaintiffs do not argue that there has been an intervening change in controlling law; that new evidence has become available; or that reconsideration is necessary to correct a clear error of law or to prevent manifest injustice. Rather, Plaintiffs continue to advance the same arguments they made in their response to the motions to dismiss and said arguments were previously given due consideration and rejected by this Court. Therefore, the Court finds that the arguments raised in the instant motion do not warrant further analytical discussion.

Fatal to the pending motion, nothing new has been supplemented to the record by the Motion for Reconsideration of the Memorandum Opinion and Order of June 25, 2007.

AND NOW, this 19th day of July, 2007, it is hereby **ORDERED, ADJUDGED, AND DECREED** that the PETITION FOR RECONSIDERATION THE DISTRICT COURT DISMISSAL ON JUNE 25, 2007 OF CASE 07-272 filed by Plaintiffs is hereby **DENIED**.

BY THE COURT:

s/Terrence F. McVerry
United States District Court Judge

cc: Joseph B. Whiteford
1188 Hamil Road
Verona, PA 15147

John K. Whiteford
1188 Hamil Road
Verona, PA 15147

Mark E. Schweers, Jr., Esquire
Burns, White & Hickton
Email: meschweers@bwhllc.com

Patrick L. Mechas, Esquire
Burns, White & Hickton
Email: plmechas@bwhllc.com

Mary E. Butler, Esquire
Administrative Office of Pennsylvania Courts
Email: legaldepartment@pacourts.us

Dennis J. Roman, Esquire
Marshall, Dennehey, Warner, Coleman & Goggin
Email: djroman@mdwgc.com