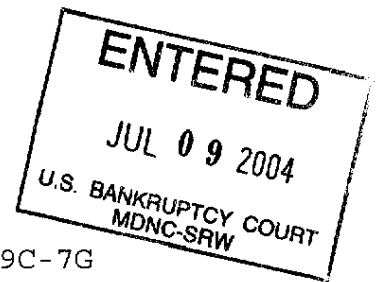


UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF NORTH CAROLINA
GREENSBORO DIVISION



IN RE:)

1103 Norwalk Street, LLC,)
Debtor.)

Case No. 01-10059C-7G

ORDER

This case came before the court on July 6, 2004, for consideration of a motion for reconsideration which was filed by Gary Ivan Terry on June 22, 2004 ("the Motion"). Appearing at the hearing were Gary Ivan Terry and Dirk W. Siegmund. The Motion states that it was filed on behalf of the corporate Debtor and requests that the court reconsider an order that was entered on June 21, 2004, allowing final compensation and reimbursement of expenses of Ivey, McClellan, Gatton & Talcott. Although it is doubtful that Mr. Terry has standing to file a motion on behalf of the Debtor, the court nonetheless has considered the Motion and the arguments presented at the hearing. For the reasons that follow the court has concluded that the motion should be denied.

While not specifically providing for a motion for reconsideration, the Federal Rules of Civil Procedure in Rule 59(e) and the Federal Rules of Bankruptcy Procedure in Rule 9023 do provide for a motion to alter or amend an order or judgment in bankruptcy cases. Since the Motion apparently seeks to alter the June 21 order, the Motion will be treated as one pursuant to

Federal Rule 59(e).

A Rule 59(e) motion or motion for reconsideration may not be used to re-litigate the same matters already determined by the court in an earlier order or judgment. See Dale & Selby Superette and Deli v. United States Dep't of Agric., 838 F. Supp. 1346, 1347-48 (D. Minn. 1993). Nor is a Rule 59(e) motion or motion for reconsideration appropriate merely because the movant disagrees with the court's application of the law in a previous order or judgment. See Hutchinson v. Staton, 994 F.2d 1076, 1082 (4th Cir. 1993). A Rule 59(e) motion or motion for reconsideration may be granted (1) to accommodate intervening change in the law, (2) to account for new evidence not available at trial, (3) to correct clear error of law, or (4) to prevent manifest injustice. See EEOC v. Lockheed Martin Corp., 116 F.3d 110, 112 (4th Cir. 1997). Having carefully considered the Motion for reconsideration and the June 21 order, the court finds that none of the foregoing grounds for relief exist with respect to the June 21 order, and that neither Mr. Terry nor the Debtor is entitled to any relief with respect to such order. The Motion for reconsideration therefore shall be denied.

IT IS SO ORDERED.

This 6th day of July, 2004.



WILLIAM L. STOCKS
United States Bankruptcy Judge