IN THE UNITED STATES DISTRICT COURT

FOR THE WESTERN DISTRICT OF WISCONSIN

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GEORGE A. MUDROVICH, Plaintiff, v. D.C. EVEREST AREA SCHOOL DISTRICT, ROGER W. DODD, ROBERT C. KNAACK, DANIEL L. HAZAERT, THOMAS R. OWENS, LAW FIRM OF RUDER, WARE & MICHLER, LLSC, and RONALD J. RUTLIN, Defendants.	OPINION AND ORDER 04-C-398-C

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Plaintiff George A. Mudrovich has filed a timely motion pursuant to Fed. R. Civ. 59(e) to alter or amend the judgment entered against him on April 7, 2005. Plaintiff had sued defendants D.C. Everest Area School District, Roger W. Dodd and Robert C. Knaack under the First Amendment, on the grounds that they terminated his employment as a part-time French teacher in retaliation for his filing of a defamation lawsuit against two other teachers in the defendant school district. In an opinion and order dated April 6, 2005, I granted defendants' motion for summary judgment, concluding that plaintiff's defamation lawsuit was not a matter of public concern and therefore plaintiff's termination did not

violate the First Amendment.

The purpose of Rule 59 is to allow the district court to correct its own errors, sparing the parties and appellate courts the burden of unnecessary appellate proceedings. Charles v. Daley, 799 F.2d 343, 348 (7th Cir. 1986). Motions to alter or amend a judgment pursuant to Rule 59(e) may be granted to (1) take account of an intervening change in controlling law; (2) take account of newly discovered evidence; (3) correct clear legal error; or (4) prevent manifest injustice. 12 Moore's Federal Practice, § 59.30[5][a][I] (Matthew Bender 3d ed.). Plaintiff seems to be proceeding on the premise that the court committed clear legal error in its determination that his defamation lawsuit against the two other teachers was not a matter of public concern.

In the April 6 opinion and order, I concluded that the true purpose behind plaintiff's filing of the lawsuit against the other teachers was to clear his name and that his "public concern reasons" were mere extensions of the true reason. Op. and Order, dkt. #56, at 16. Plaintiff contends that if the defamation lawsuit had gone to trial, the public would have learned that the teachers falsely accused him of verbally abusing another school staff person because the teachers were angry with his attempts to turn one of the four dedicated Spanish classrooms into a dedicated French classroom. According to plaintiff, the public would have been interested to know about defendants' discrimination against the French program.

For support, plaintiff cites Belk v. Town of Minocqua, 858 F.2d 1258, 1264 (7th Cir.

1988), in which the court held that the motive for filing a grievance is not dispositive in deciding whether a grievance raises matters of public concern. In Belk, the plaintiff's threatened appeal of the town board's reclassification of her position would have revealed that the board had been paying more compensation to the incumbent clerk and secretary than the residents of Minocqua had authorized and that the occupancy of those two offices by the same individual was proscribed by a state statute. Id. at 1263.

Nothing in the record suggests that a trial concerning plaintiff's defamation claim against the two teachers would have revealed defendants' discrimination against the French program in defendant school district. The undisputed facts are that the Circuit Court for Marathon County dismissed plaintiff's complaint against the teachers because he failed to state a claim for defamation against them. The court of appeals upheld the trial court's grant of summary judgment. Unlike Belk, there is no possibility in this case that plaintiff's defamation claim would have revealed a matter of public concern because the claim had no merit and therefore would have never reached the trial stage. Nothing in plaintiff's motion convinces me that I made legal errors in granting defendants' motion for summary judgment. Therefore, I will deny his motion to reconsider.

ORDER

IT IS ORDERED that Plaintiff George A. Mudrovich's motion to reconsider the

court's April 6, 2005 opinion and order granting the motion for summary judgment by defendants D.C. Everest Area School District, Roger W. Dodd, Robert C. Knaack, Daniel L. Hazaert, Thomas R. Owens, the law firm of Ruder, Ware and Michler, LLSC and Ronald J. Rutlin is DENIED.

Entered this 25th day of April, 2005.

BY THE COURT:
/s/
BARBARA B. CRABB
District Judge