

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

WILLIAM A. PARUS,

Plaintiff,

and

GERMANTOWN MUTUAL INSURANCE COMPANY,

Intervening Plaintiff,

v.

ORDER

05-C-0063-C

ANDREW C. CATOR, THOMAS
KROEPLIN, DAWN BRESNAHAN,
individually and in her official capacity
as an employee of the Town of Minocqua
Police Department, TOWN OF
MINOCQUA, WISCONSIN,
CLAY KREITLOW, individually
and in his capacity as an employee
of the Town of Woodruff Police Department,
and TOWN OF WOODRUFF, WISCONSIN,

Defendants.

Plaintiff has filed a motion for reconsideration, which I construe as a motion to alter or amend the judgment entered in this case on November 14, 2005, granting defendant Andrew Cator's motion for summary judgment and granting defendant Thomas Kroeplin's

motion for summary judgment on plaintiff's claim that Kroeplin impermissibly disclosed plaintiff's motor vehicle record information to Cator. The purpose of a Rule 59(e) motion is to allow the district court to correct legal 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 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.). Because nothing in plaintiff's motion convinces me that I erred in the November 14 order, the motion will be denied.

Plaintiff contends that the court erred by weighing the evidence in ruling that plaintiff's claim that defendant Kroeplin impermissibly disclosed plaintiff's motor vehicle record information to defendant Cator was "mere conjecture" from which no reasonable jury could find by a preponderance of the evidence that defendants had acted as plaintiff claimed. However, as I stated in the November 14 order,

summary judgment is the moment in a lawsuit when a party must show what evidence it has that would convince a trier of fact to accept its version of the events. Schacht v. Wisconsin Dept. of Corrections, 175 F.3d 497, 504 (7th Cir. 1999). To avoid summary judgment, the nonmoving party must "produce more than a scintilla of evidence to support his position." Pugh v. City of Attica, Indiana, 259 F.3d 619, 625 (7th Cir. 2001). Plaintiff has failed to do so.

Plaintiff's motion simply reargues matters I considered before issuing the summary judgment

order, without demonstrating any legal error. I continue to believe that plaintiff's proffered evidence is simply too speculative to survive summary judgment.

ORDER

IT IS ORDERED that plaintiff's motion pursuant to Fed. R. Civ. P. 59(e) to alter or amend the judgment entered in this case on November 14, 2005, is DENIED.

Entered this 29th day of November, 2005.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge