

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

UNITED STARS INDUSTRIES, INC.,

Plaintiff,

v.

PLASTECH ENGINEERED
PRODUCTS, INC.,

Defendant.

ORDER

06-C-0349-C

Defendant Plastech Engineered Products, Inc. has moved for an amendment of the judgment entered in this case on July 16, 2007 or, in the alternative, for a new trial. Although the motions are timely, Fed. R. Civ. P. 59(b) and (e), they will be denied.

In support of its motions, defendant reargues the same issues that were considered and ruled upon in the order entered on June 5, 2007. In doing so, defendant ignores the court of appeals' frequent admonition that Rule 59(e) motions are not intended as arguments for rearguing the merits of the case. E.g., Neal v. Newspaper Holdings, Inc., 349 F.3d 363, 368 (7th Cir. 2003). Rather, their purpose is to bring to the court's attention newly discovered evidence or a manifest error of law or fact. I realize that defendant believes

that its motion falls into the second category, but it is wrong.

ORDER

IT IS ORDERED that the Rule 59(e) motion filed by defendant Plastech Engineered Products, Inc. is DENIED.

Entered this 3d day of August, 2007.

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