

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Civil No. 07-4628 (DSD/JJG)

U.S. Energy Services, Inc.,
a Minnesota corporation,

Plaintiff,

v.

ORDER

U.S. Energy Savings Corp.,
a Delaware corporation,

Defendant.

This matter is before the court upon plaintiff's request to file a motion to reconsider the court's August 20, 2008, order granting defendant's motion to dismiss for lack of personal jurisdiction. Pursuant to Local Rule 7.1(g), motions to reconsider require the "express permission of the Court," which will be granted "only upon a showing of compelling circumstances." A motion to reconsider should not be employed to relitigate old issues but rather to "afford an opportunity for relief in extraordinary circumstances." Dale & Selby Superette & Deli v. U.S. Dep't of Agric., 838 F. Supp. 1346, 1348 (D. Minn. 1993).

In its August 20 order, the court dismissed plaintiff's claims without prejudice for lack of personal jurisdiction. The court also refused to transfer the case to the Northern District of Illinois because plaintiff did not present specific information in its briefing suggesting that the interest of justice required such a transfer. (Am. Order at 8.) On August 21, 2008, plaintiff filed

a new action in the Northern District of Illinois, and on August 28, 2008, filed a letter in this court seeking reconsideration of the August 20 order. In its letter, plaintiff notes that as a result of the court's refusal to transfer this action, Minnesota's two-year statute of limitations, Minn. Stat. § 541.07(1), may "bar causes of action accruing any time prior to August 21, 2006," rather than only those accruing two years from the date this action was filed. Plaintiff was aware of the potential for such a result when it responded to defendant's motion to dismiss; however, as noted in the August 20 order, plaintiff failed to adequately address the issue in its briefing. Therefore, because plaintiff is merely attempting to relitigate an old issue and has not established extraordinary circumstances, **IT IS HEREBY ORDERED** that plaintiff's request to file a motion to reconsider is denied.

Dated: September 15, 2008

s/David S. Doty
David S. Doty, Judge
United States District Court