

---

---

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Luisa C. Esposito

Plaintiff/Petitioner

(List the full name(s) of the plaintiff(s)/petitioner(s).)

07-CIV-11612 (DLC)

-against-

**NOTICE OF APPEAL**

The State of New York, et.al

Defendant/Respondent

(List the full name(s) of the defendant(s)/respondent(s).)

Notice is hereby given that the following parties: Luisa C. Esposito/Plaintiff/Petitioner

---

(list the names of all parties who are filing an appeal)

in the above-named case appeal to the United States Court of Appeals for the Second Circuit

from the order entered on: that: May 12<sup>th</sup> and June 9<sup>th</sup>, 2016

---

MEMORANDUM OPINION &

ORDER....Espositos motion is untimely. This case was closed in August 2008 and Esposito now seeks to reopen this matter over seven years later. Since this motion is based on newly discovered evidence and fraud on the court pursuant to Rules 60(b)(2) and (b)(3), Esposito is subject to the one year time limit of Rule 60(c). Even if Espositos motion could be considered under Rule 60(b)(6), it has not been brought within a reasonable time.

---

June 13, 2016

/s/ Luisa C. Esposito

---

Dated

Esposito, Luisa

---

(Last, First, MI)

571 Roy street

West Hempstead, NY 11552

---

Address

516-652-1639

City

---

Telephone Number

---

Each party filing the appeal must date and sign the Notice of Appeal and provide his or her mailing address and telephone number, EXCEPT that a signer of a pro se notice of appeal may sign for his or her spouse and minor children if they are parties to the case. Fed. R. App. P. 3(c)(2). Attach additional sheets of paper as necessary.

Rev. 12/23/13

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

----- X  
LUISA C. ESPOSITO :

Plaintiff, :

-v- :

THE STATE OF NEW YORK, et al. :

Defendants. :  
----- X

07cv11612 (DLC)

ORDER

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DGC #:  
DATE FILED: 6/9/2016

DENISE COTE, District Judge:

This action was dismissed on August 8, 2008. Motions to reopen were denied in 2010 and on May 12, 2016. On May 25, plaintiff Luisa Esposito moved for reconsideration of the Court's May 12 Order.

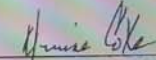
The standard for granting a motion for reconsideration is "strict, and reconsideration will generally be denied unless the moving party can point to controlling decisions or data that the court overlooked." Analytical Surveys, Inc. v. Tonga Partners, L.P., 684 F.3d 36, 52 (2d Cir. 2012) (citation omitted) (discussing a motion under Rule 59(e), Fed. R. Civ. P.). "A motion for reconsideration should be granted only when the defendant identifies an intervening change of controlling law, the availability of new evidence, or the need to correct a clear error or prevent manifest injustice." Kolel Beth Yechiel Mechil

Case 1:07-cv-11612-DLC Document 121 Filed 06/09/16 Page 2 of 3

of Tartikov, Inc. v. YLL Irrevocable Trust, 729 F.3d 99, 104 (2d Cir. 2013) (citation omitted). It is "not a vehicle for relitigating old issues, presenting the case under new theories, securing a rehearing on the merits, or otherwise taking a second bite at the apple." Analytical Surveys, 684 F.3d at 52 (citation omitted). In her moving papers, Esposito largely restates the same arguments raised in her 2016 Rule 60(b) motion, and has not shown grounds for reconsideration of her motion. Accordingly, it is hereby

ORDERED that Esposito's May 25 motion for reconsideration is denied.

Dated: New York, New York  
June 9, 2016



---

DENISE COTE  
United States District Judge