UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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VINCENT FARINELLA, NANETTE ARAGON, DANIEL SCHOPPE, JASON ETTEN, GEORGE CESAR, DENNIS TRUBITSKY, and DOUGLAS MASHKOW, individually and on behalf of others similarly situated,

Plaintiffs,

-against-

PAYPAL, INC., and EBAY, INC.,

Defendants.

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MEMORANDUM AND ORDER
05-CV-01720 (ILG) (VVP)

GLASSER, United States Senior District Judge:

Objector Elizabeth Pawlak, proceeding *pro se*, filed with the Court on May 14, 2009, a motion to reconsider its Memorandum and Order dated April 30, 2009 (the "Order"), which, *inter alia*, denied her motion to intervene. (Docket No. 169.)[1] Pawlak's motion to intervene was denied in the Order because she failed to show any interest in the litigation and because her motion was untimely.

The Second Circuit has held "that district courts may alter or amend a judgment 'to correct a clear error of law or prevent manifest injustice.'" Munafo v. Metropolitan Transp. Authority, 381 F.3d 99, 105 (2d Cir. 2004) (quoting Collison v. Int'l Chem. Workers Union, Local 217, 34 F.3d 233, 236 (4th Cir. 1994)). The standard of review governing Rule 59(e) motions to reconsider "is strict, and reconsideration will generally be denied unless the moving party can point to controlling decisions or data that the court overlooked – matters, in other

[1] In her submission, Pawlak stated an intention to file additional support for her motion by May 16, 2009. No subsequent filing was made and any such submission would have been untimely.

words, that might reasonably be expected to alter the conclusion reached by the court." Shrader v. CSX Transp. Inc., 70 F.3d 255, 257 (2d Cir.1995).

The Court finds no basis to reconsider its decision. The May 14, 2009 submission describes no error of law, no manifest injustice and no overlooked matters that might reasonably be expected to alter the Court's conclusions. Pawlak asks the Court to reconsider its denial of her motion because counsel for the defendants made a misstatement regarding a PayPal account associated with her name. The only relevance of the account was that its existence constituted the only corroboration of Pawlak's claim to be a class member. Insofar as there was no such account or such account was not associated with Pawlak, as she seems to be contending, this only supports the conclusion reached in the Order that Pawlak has no interest in this litigation.

The motion to reconsider is, therefore, DENIED.

The Court takes note of Class Counsel's recommendation of sanctions against Pawlak. Although sanctions may well be warranted, the Court declines to impose them at this time.

SO ORDERED.

Dated: Brooklyn, New York
June 8, 2009

/s/

I. Leo Glasser
United States Senior District Judge