

**FORMAL GUIDANCE OF THE BUSINESS LITIGATION SESSIONS REGARDING
MOTIONS FOR RECONSIDERATION**

The undersigned judges of the Superior Court, who are assigned to sit in the Business Litigation Sessions of the Superior Court during calendar year 2008, jointly adopt the following Formal Guidance regarding motions for reconsideration:

1. A motion for reconsideration should only be filed when there has been an intervening change in the law, newly discovered evidence that was not previously available, or a clear error of law. It should not be a vehicle to reformulate arguments previously made and rejected, or to present arguments or evidence that an attorney belatedly recognizes should have been offered earlier.

2. The misuse of motions for reconsideration interferes with the administration of justice because the time taken by the court to consider motions for reconsideration is time that could otherwise be devoted to resolving the many complex motions that we have yet to decide. Therefore, the Bar is hereby on notice that we will consider the imposition of sanctions, specifically the award of attorney's fees, when a motion for reconsideration is brought that plainly should not have been brought.

Ralph D. Gants
Justice of the Superior Court
Business Litigation Session I

Judith Fabricant
Justice of the Superior Court
Business Litigation Session II

Stephen E. Neel
Justice of the Superior Court
Business Litigation Session II

DATE: January 2, 2008