

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF IOWA  
CEDAR RAPIDS DIVISION**

FIBRED PROPERTIES LIMITED	)	
PARTNERSHIP and FIBRE	)	
FORMULATIONS, INCORPORATED,	)	
	)	
Plaintiffs,	)	No. C99-38 MJM
	)	
vs.	)	
	)	<b>ORDER</b>
CITY OF IOWA FALLS and FOX	)	
ENGINEERING ASSOCIATES, INC.,	)	
	)	
Defendants.	)	
	)	

Before the Court is a motion filed by Plaintiffs requesting the Court to reconsider<sup>1</sup> its September 20, 2001 Order granting Defendants' motions for summary judgment on all claims in the above-entitled action. (Doc. no. 141).

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<sup>1</sup> Plaintiffs' motion was nominally filed as a "Motion to Amend Findings Under Rule 52(b)", which governs requests to amend facts specifically found in actions "tried upon the facts, without a jury or with an advisory jury." See Fed. R. Civ. P. 52. The summary judgment ruling at issue does not fall within the ambit of Rule 52. See *APT Minneapolis, Inc. v. Stillwater Township*, 2001 WL 936193 (D. Minn.) (discussing case law and concluding that a district court's summary judgment review does not involve the type of "fact-finding" described in Rule 52 and is thus procedurally improper). Accordingly, the Court will review Plaintiffs' motion under the standards applicable to Rule 59(e) which appropriately reflects the procedural posture of the motion. See *Schoffstall v. Henderson*, 223 F.3d 818, 827 (8<sup>th</sup> Cir. 2000) (reviewing a district court's denial of motion to reconsider a summary judgment ruling, the Eighth Circuit noted: "Although the Federal Rules of Civil Procedure do not mention motions to reconsider, we have held that when the motion is made in response to a final order, which is the case here, Rule 59(e) applies").

After thoroughly reviewing the parties' briefs, the Court concludes that Plaintiffs have raised no new issues in their motion and that all relevant matters were fully considered by the Court in conjunction with its summary judgment order. See *Schoffstall*, 223 F.3d at 827 (affirming denial of motion for reconsideration where the motion "merely restated the arguments [the plaintiff] made in opposition to [the defendant's] summary judgment motion and provided no additional reasons why summary judgment was inappropriate"). Plaintiffs have presented no additional reasons why summary judgment was inappropriate in this case and, accordingly, Plaintiffs' motion (doc. no. 141) is Denied.

Done and so ordered this 26th day of October, 2001.

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Michael J. Melloy  
United States District Court for the  
Northern District of Iowa