

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

TONI GREER,)
)
 Plaintiff,)
)
 vs.) No. 02-2262 V
)
 MADISON COUNTY, TENNESSEE,)
 DAVID L. WOOLFORK, SHERIFF,)
 SHELBY COUNTY, TENNESSEE, AND)
 A.C. GILLESS, SHERIFF, AND)
)
 Defendants.)

ORDER DENYING DEFENDANTS MADISON COUNTY, TENNESSEE
AND SHERIFF DAVID L. WOOLFORK'S MOTION TO RECONSIDER

Before the court is the motion of the defendants Madison County, Tennessee and Madison County Sheriff David L. Woolfork to reconsider the court's June 11, 2003 order which denied the defendants Madison County and Sheriff Woolfork's motion to dismiss for lack of service. As grounds for the motion, the defendants submit that the plaintiff made deceptive, misleading, and false statements in her response to the motion to dismiss and that the court relied on these misrepresentations in reaching its decision to deny the motion to dismiss.

The court finds the defendants' present arguments duplicative of their earlier arguments and therefore insufficient to warrant reconsideration of its prior ruling. In reaching its decision to

deny the motion to dismiss, the court did not rely on the plaintiff's implications that the defendants somehow lulled the plaintiff into believing that they would participate in the litigation. Indeed, the court clearly pointed out that the contrary was true. In addition, the court considered the very arguments and issues now raised again by the defendants in regards to *Ditkof v. Owens-Illinois, Inc.*, 114 F.R.D. 104, 105 (E.D. Mich. 1987). Furthermore, the fact that the plaintiff may have been put on notice at the beginning stage of the litigation that Madison County and Sheriff Woolfork had not been properly served does not alter the court's decision.

Accordingly, the defendants' motion to reconsider is denied.

IT IS SO ORDERED this 18th day of July, 2003.

DIANE K. VESCOVO
UNITED STATES MAGISTRATE JUDGE