IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

THOMAS LAPINSKI, Plaintiff, v. THE BOARD OF EDUCATION OF THE BRANDYWINE SCHOOL DISTRICT, JOSEPH DEJOHN, DONALD FANTINE, JR.,RALPH ACKERMAN, PAUL HART, ROBERT BLEW, NANCY DOOREY, G. LAWRENCE PELKEY, JR., G. HAROLD THOMPSON, RAYMOND TOMASETTI, JR. Defendants.	)	Civil Action No. 00-173-KAJ

MEMORANDUM ORDER

I. INTRODUCTION

Presently before the court is Thomas Lapinski's ("Plaintiff") motion for reargument (Docket Item ["D.I."] 24; the "Motion"). Plaintiff seeks reargument of the court's ruling granting the motion for judgment on the pleadings (D.I. 22) filed by the Board of Education (the "Board") of the Brandywine School District (the "District"), the individual members of the Board, Joseph P. DeJohn ("DeJohn"), and Donald Fantine, Jr. ("Fantine") (collectively, "Defendants"). For the reasons that follow, Plaintiff's Motion is denied.

II. BACKGROUND

Plaintiff was the Principal of Mount Pleasant High School ("MPHS"), located in the defendant District, from July 1, 1991 to April 1, 2000. (D.I. 13 at 2.) On December

14, 1999, the District sent plaintiff a letter informing him that the Board had voted "not to renew [his] contract or extend [his] employment as an administrator beyond June 30, 2000," the expiration date of his employment contract. (D.I. 15, Appx. at C1.) Plaintiff, thereafter, retired before his employment contract expired. (D.I. 11 at 4.)

In March 2000, Plaintiff filed a complaint alleging a variety of federal and state claims against Defendants. (D.I. 1.) Generally, Plaintiff alleged that, during his time as the Principal of MPHS, Defendants engaged in certain retaliatory actions against him due to "whistle blowing" letters he wrote and statements that he made to DeJohn and other District administrators. (*See Id*.) Defendants filed a motion for judgment on the pleadings (D.I. 10), which I granted for reasons set forth in a Memorandum Opinion issued on January 29, 2004. (D.I. 23.) Plaintiff then filed this Motion.[1] (D.I. 24.)

III. DISCUSSION

As a general rule, motions for reargument should be granted sparingly. *Stairmaster Sports/Med. Prods., Inc. v. Groupe Procycle, Inc.*, 25 F. Supp. 2d 270, 292 (D. Del. 1998). There are only three narrow circumstances when such a motion may be granted: "1) 'where the Court has patently misunderstood a party,' 2) '[where the Court] has made a decision outside the adversarial issues presented to the Court by the parties,' or 3) '[where the Court] has made an error not of reasoning but of apprehension.'" *Schering Corp. v. Amgen Inc.*, 25 F. Supp. 2d. 293, 295 (D. Del. 1998) quoting *Brambles USA, Inc. v. Blocker*, 735 F. Supp. 1239, 1241 (D. Del. 1990). It

[1] A motion for reargument under Local Rule 7.1.5 is the "functional equivalent" of a motion to alter or amend a judgment under Fed. R. Civ P. 59(e). *Kavanagh v. Keiper*, No. Civ.A. 98-556-JJF, 2003 WL 22939281, *2 n.2 (D. Del. July 24, 2003); *see New Castle County v. Hartford Accident and Indem. Co.*, 933 F.2d 1162, 1176-1177 (3d Cir. 1991).

follows that a motion for reargument will be denied "where the proponent simply rehashes materials and theories already briefed, argued and decided." *Schering*, 25 F. Supp. 2d at 295.

In this case, there is nothing to indicate that my earlier decision fits one of the enumerated circumstances warranting reargument. I did not misunderstand the parties' contentions, make a decision outside the issues presented, or err due to a misapprehension of the facts or law. Plaintiff merely restates arguments that have already been briefed and decided. (D.I. 13; D.I. 23; D.I. 24.)

IV. CONCLUSION

Accordingly, IT IS HEREBY ORDERED that Plaintiff's Motion for Reargument (D.I. 24) is DENIED.

Kent A. Jordan
UNITED STATES DISTRICT JUDGE

April 6, 2004
Wilmington, Delaware