

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

RALPH GARRAMONE, M.D. ,

Plaintiff,

v.

Case No.: 2:23-cv-340-SPC-KCD

DANESH NOSHIRVAN,

Defendant.

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**OPINION AND ORDER**

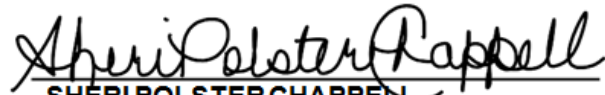
Before the Court are Plaintiff Jennifer Couture’s Rule 59(e) Motion for Reconsideration (Doc. 116) and Defendant’s Response (Doc. 122). Plaintiff asks the Court to reconsider its Order dismissing her conspiracy claim for lack of an underlying tort. In support, she argues intentional infliction of emotional distress could serve as the underlying tort. But this is the first time Plaintiff has mentioned IIED. She did not plead IIED in the operative complaint. And she did not argue IIED in response to Defendant’s motion to dismiss. So, Plaintiff’s argument does not support reconsideration. *See Michael Linet, Inc. v. Vill. of Wellington*, 408 F.3d 757, 763 (11th Cir. 2005) (Rule 59(e) may not be used to “relitigate old matters, raise argument or present evidence that could have been raised prior to the entry of judgment.” ).

Accordingly, it is now

**ORDERED:**

Plaintiff's Motion for Reconsider (Doc. 116) is **DENIED**.

**DONE** and **ORDERED** in Fort Myers, Florida on April 30, 2024.

  
SHERI POLSTER CHAPPELL  
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record