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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

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The Medical Protective Company, a
foreign corporation,

) CV 05-2924-PHX-JAT

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Plaintiff(s),

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) **ORDER**

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v.

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Herman Pang, M.D.,

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Defendant(s).

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Defendant Herman Pang M.D. has filed a Motion for Reconsideration (Doc. 307) of the portion of the Court’s October 19, 2010 Order (Doc. 305) denying Defendant Pang’s Motion for Attorneys’ Fees (Doc. 264). Defendant Pang has also filed a Motion to Expedite (Doc. 308) the briefing and decision on the Motion for Reconsideration, a Second Motion for Attorneys’ Fees (Doc. 306), and a Motion to Expedite (Doc. 310) briefing and decision on the Second Motion for Attorneys’ Fees. Dr. Pang would like all these matters briefed and resolved before the November 18, 2010 appeal deadline.

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Motion for Reconsideration

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The Court will grant Dr. Pang’s Motion to Expedite (Doc. 308) the decision on the Motion for Reconsideration. The Court’s ruling on the Motion for Reconsideration follows:

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Generally, motions for reconsideration are appropriate only if: 1) the movant presents newly discovered evidence; 2) the Court committed clear error or the initial decision was manifestly unjust; or 3) an intervening change in controlling law has occurred. *School Dist. No. 1J, Multnomah County, Or. v. AcandS, Inc.*, 5 F.3d 1255, 1263 (9th Cir. 1993). A party should not file a motion to reconsider to ask a court “to rethink what the court had already thought through, rightly or wrongly.” *Above the Belt, Inc. v. Mel Bohannon Roofing, Inc.*,

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1 99 F.R.D. 99, 101 (E.D.Va. 1983). “No motion for reconsideration shall repeat in any
2 manner any oral or written argument made in support of or in opposition to the original
3 motion.” *Motorola, Inc. v. J.B. Rodgers Mechanical Contractors, Inc.*, 215 F.R.D. 581, 586
4 (D.Ariz.2003). The Court ordinarily will deny “a motion for reconsideration of an Order
5 absent a showing of manifest error or a showing of new facts or legal authority that could not
6 have been brought to its attention earlier with reasonable diligence.” Local Rule of Civil
7 Procedure 7.2(g)(1).

8 The Court finds that its previous Order contains no manifest legal errors and that Dr.
9 Pang has not presented any new facts or legal authority that could not have been brought to
10 the Court’s attention earlier. The Court therefore will deny the Motion for Reconsideration.

11 Second Motion for Attorneys’ Fees

12 The Court finds no compelling reason to expedite the briefing and decision on the
13 Second Motion for Attorneys’ fees. The Court therefore will deny the Motion to Expedite
14 (Doc. 310) the briefing and decision on the Second Motion for Attorneys’ Fees so that Dr.
15 Pang has a decision on that motion by November 18. The Court will not address the Second
16 Motion for Attorneys’ Fees at this time.

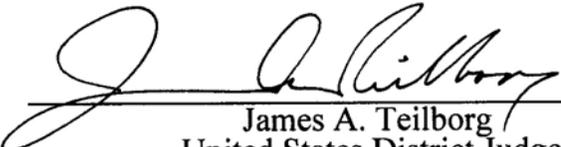
17 Accordingly,

18 **IT IS ORDERED Granting** Defendant Pang’s Motion to Expedite (Doc. 308) the
19 briefing and decision on the Motion for Reconsideration.

20 **IT IS FURTHER ORDERED DENYING** Defendant Pang’s Motion for
21 Reconsideration (Doc. 307).

22 **IT IS FURTHER ORDERED DENYING** Defendant Pang’s Motion to Expedite
23 (Doc. 310) briefing and decision on the Second Motion for Attorneys’ Fees.

24 DATED this 5th day of November, 2010.

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28 James A. Teilborg
United States District Judge