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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

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Wells Fargo Bank, National Association,)

No. CV-09-587-PHX-MHM

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Plaintiff,

ORDER

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vs.

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The Magellan Ship Owners Association, et)

al.,

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Defendant.

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Currently pending before the Court is Nineteen Consolidated Claimaints/Defendants’
Joinder of Wells Fargo Bank, N.A.’s (“Wells Fargo”) Motion to Seal and a Request for a
Stay of the Objection Period, (Dkt.#237), and The Magellan Ship Owners Association’s
 (“Magellan”) Motion to Stay, Motion for Reconsideration of the Order Granting the Motion
 to Seal, (Dkt.#243).¹ After reviewing the pleadings and determining oral argument
 unnecessary, the Court issues the following Order.

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This is a statutory interpleader action pursuant to 28 U.S.C. § 1335 relating to funds
 that were being held in an escrow account by Wells Fargo. Wells Fargo filed the interpleader

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¹Magellan’s Motion to Stay and Motion for Reconsideration also include its objections
 to Wells Fargo’s Notice of Deposit.

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1 but claims no interest in the disputed funds. On January 4, 2010, this Court filed an Order
2 directing Wells Fargo to deposit in an interest bearing account with the Clerk of the Court
3 the disputed funds, together with any and all additional interest actually earned thereon up
4 to the date of such deposit, and provide notice to all Claimants/Defendants. (See Dkt.#233).
5 The Court also gave the Claimants/Defendants 10 calendar days after Wells Fargo deposited
6 the disputed funds to object to the nature or manner of the deposit. The Court further
7 Ordered that 20 calendar days after the disputed funds were deposited, Wells Fargo would
8 be discharged from this action and that all counter-claims against it relating to the interplead
9 funds would be dismissed with prejudice.

10 On January 8, 2010, Wells Fargo filed a Notice of Deposit with the Court. (Dkt.#234.)
11 At the same time, Wells Fargo filed a Motion requesting that the Court seal Exhibit A to the
12 Notice of Deposit. (Dkt.#235.) On January 12, 2010, a consolidated group of
13 Claimants/Defendants joined in support of Wells Fargo's Motion to Seal. (Dkt.#237.) That
14 same day, Claimant/Defendant Cramer Family (Survivor's) Trust U.T.D. 6-12-90 and its
15 Trustee, Lorraine A. Cramer, as well as Claimants/Defendants James Haglund and Patty
16 Haglund joined to support Wells Fargo's request. (Dkt.##238, 239.) Wells Fargo's Motion
17 to Seal Exhibit A to the Notice of Deposit was granted by the Court on January 14, 2010, the
18 Court granted. (Dkt.#241.)

19 On January 15, 2010, Magellan filed a Motion for Reconsideration of the Order
20 granting the Motion to Seal, as well as a Motion to Stay the Discharge and Dismissal of
21 Wells Fargo. (Dkt.#243.) Magellan argues in its Motion that sealing Exhibit A deprives
22 Magellan of the opportunity "to conduct a meaningful review or analysis of Wells Fargo's
23 claims and contentions," and that no compelling reasons exist to seal the document. (Id. at
24 6-7.)

25 With respect to Magellan's request for reconsideration of the Order sealing Exhibit
26 A, the Court noted that motions for reconsideration are granted only in rare circumstances.
27 Defenders of Wildlife v. Browner, 909 F. Supp. 1342, 1351 (D. Ariz. 1995). Mere
28 disagreement with a previous order is an insufficient basis for reconsideration. See Leong

1 v. Hilton Hotels Corp., 689 F. Supp. 1572, 1573 (D. Haw. 1988). Nor is reconsideration to
2 be used to ask the court to rethink what it has already thought through. United States v.
3 Rezzonico, 32 F. Supp.2d 1112, 1116 (D. Ariz. 1998). Reconsideration is only appropriate
4 if the district court “(1) is presented with newly discovered evidence, (2) committed clear
5 error or the initial decision was manifestly unjust, or (3) if there is an intervening change in
6 controlling law.” School Dist. No. 1J. Multnomah County v. ACandS, Inc., 5 F.3d 1255,
7 1263 (9th Cir. 1993). Because none of the Multnomah County factors warrant
8 reconsideration of the Court’s prior Order sealing Exhibit A of Wells Fargo’s Notice of
9 Deposit, Magellan’s request will be denied.

10 As to Magellan’s Motion to Stay, the Court finds that the original date providing
11 Claimants/Defendants with 10 calendar days to object to Wells Fargo’s Notice of Deposit
12 was unfairly shortened due to the delay caused by the sealing of Exhibit A. Wells Fargo filed
13 its Notice of Deposit on January 8, 2010. (Dkt.#234.) Under the Court’s previous ruling,
14 Claimants/Defendants would have had until January 18, 2010 to file objections. (See
15 Dkt.#233, p. 7.) However, the Motion to Seal Exhibit A was not granted until January 15,
16 2010. Because Wells Fargo did not effectuate service of process of Exhibit A until January
17 15, 2010—at which point it was mailed to all Claimants/Defendants—Claimants/Defendants
18 were unable to review Wells Fargo’s accounting practices until well past the initial date of
19 deposit. Therefore, in the interests of fairness, the Court is compelled to modify its earlier
20 ruling.

21 **Accordingly,**

22 **IT IS HEREBY ORDERED** permitting Claimants/Defendants until close of business
23 February 8, 2010 to file objections to the nature or manner of the deposit by Wells Fargo.

24 **IT IS FURTHER ORDERED** that Wells Fargo will not be dismissed from this
25 lawsuit until the Court Orders it dismissed. Wells Fargo will not be dismissed until after the
26 Court has reviewed all objections filed by Claimants/Defendants, and the Court has approved
27 Wells Fargo’s deposit.

