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NOT FOR PUBLICATION

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IN THE UNITED STATES DISTRICT COURT

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FOR THE DISTRICT OF ARIZONA

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Susan Childress,

)

No. CV-09-1355-PHX-FJM

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Plaintiff,

)

ORDER

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vs.

)

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Scottsdale Healthcare Corp., et al.,

)

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Defendants.

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The court has before it plaintiff's motion for reconsideration (doc. 11), asking us to reconsider our order summarily granting defendant Scottsdale Healthcare Corporation's motion to dismiss pursuant to LRCiv 7.2(i) (doc. 9).

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Plaintiff's counsel now asks us to reconsider our ruling, asserting that he did not receive defendant's motion to dismiss. The docket demonstrates otherwise. The notice of electronic filing entered on July 1, 2009, shows that the notice of the motion to dismiss was electronically mailed to plaintiff's counsel at his correct email address. Under our local rules, "Notice of Electronic Filing to a Registered User's email address constitutes service of the hyperlinked document(s)." LRCiv 5.5(h). The clerk's record indicates that the notice was successfully delivered. Counsel's unsworn statement that he did not receive the notice is insufficient to rebut the presumption of receipt of service.

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The motion for reconsideration is denied (doc. 11).

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DATED this 26th day of August, 2009.

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Frederick J. Martone

Frederick J. Martone
United States District Judge

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