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

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Michael L. Shoen, a resident of Arizona, )

No. CV09-1548 PHX DGC

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Plaintiff,

**ORDER**

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vs.

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Richard Symons, a resident of Great  
Britain, et al.,

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Defendants.

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On June 29, 2011, Plaintiff moved for partial reconsideration of this Court’s May 2, 2011 summary judgment order (Doc. 53) as it relates to claims 1, 2, and 4 pled in the complaint.<sup>1</sup> Doc. 57. These claims, among others, were alleged in the complaint, were challenged by Defendants on summary judgment, and were not meaningfully defended by Plaintiff as freestanding claims. In its summary judgment order the Court found that Plaintiff was no longer pursuing those claims as freestanding claims in this case. Doc. 53 at 2 (“Plaintiff does not respond to Defendants’ arguments with respect to claims 1, 2, or 4, and makes clear that he is abandoning claim 5.”). Plaintiff argues this finding is in error because Plaintiff has in fact not abandoned those claims in this case. Doc. 57 at 1, 4. Plaintiff’s motion for reconsideration admits, however, that “Plaintiff considered [the claims] precluded as a result of the 2007 action.” *Id.* at 3. The Court fails to see how this supports Plaintiff’s

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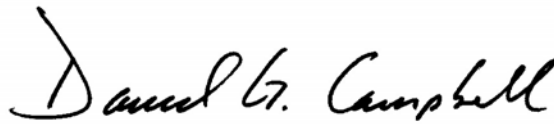
<sup>1</sup> The claims at issue were summarized by the Court as “(1) violation of the Lanham Act; (2) violation of the Copyright Act; . . . [and] (4) unfair competition . . . .” Doc. 53 at 2.

1 contention on reconsideration that the claims are still “alive” as freestanding claims against  
2 Defendants in this action – if, in fact, this is what Plaintiff is attempting to argue now.<sup>2</sup> The  
3 Court need not reach this issue, however, because the motion is untimely.

4 The motion for reconsideration is made under Rule 60(b)(6) of the Federal Rules of  
5 Civil Procedure. Doc. 57 at 1. Such motions “must be made within a reasonable time.” Fed.  
6 R. Civ. P. 60(c)(1). In this district, motions for reconsideration “shall be filed no later than  
7 fourteen (14) days after the date of the filing of the Order that is the subject of the motion.”  
8 LRCiv. 7.2(g)(2). Plaintiff’s motion was filed almost two months after the order, and  
9 Plaintiff has not shown good cause for the delay as required by Local Rule 7.2(g)(2). The  
10 motion will therefore be denied as untimely.

11 **IT IS ORDERED** that Plaintiff’s motion for reconsideration (Doc. 57) is **denied**.

12 DATED this 18<sup>th</sup> day of July, 2011.

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16 David G. Campbell  
17 United States District Judge  
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26 <sup>2</sup> To the extent Plaintiff seeks to argue that by awarding summary judgment in favor  
27 of Defendants on these claims the Court necessarily found Defendants never engaged in the  
28 complained-of conduct or that such conduct was lawful, nothing in the May 2 order suggests  
such a finding or conclusion. Doc. 53 at 2:27-28 (“But the response also makes clear that  
Plaintiff now asserts a breach only of the 2007 agreement.”); *id.* at 3:4-5 (“In light of this  
response, the Court will grant judgment for Defendants on claims 1, 2, 4, and 5.”).