

1 **WO**

2

3

4

5

6

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

7

8

9

George F. Bobolas, a Greek individual,)

No. CV-10-2056-PHX-DGC

10

Plaintiff,)

ORDER

11

vs.)

12

John Does 1-100, Internet website)
bloggers,)

13

Defendants.)

14

15

Public Citizen, Inc. moves for reconsideration of this Court’s denial of intervention.

16

Doc. 22. A motion for reconsideration will be denied “absent a showing of manifest error

17

or a showing of new facts or legal authority that could not have been brought to [the Court’s]

18

attention earlier with reasonable diligence.” LRCiv 7.2(g)(1); *see Carroll v. Nakatani*, 342

19

F.3d 934, 945 (9th Cir. 2003). Mere disagreement with an order is an insufficient basis for

20

reconsideration. *See Ross v. Arpaio*, 2008 WL 1776502, at *2 (D. Ariz. Apr. 15, 2008). Nor

21

should reconsideration be used to make new arguments or to ask the Court to rethink its

22

analysis. *Id.*; *see Nw. Acceptance Corp. v. Lynnwood Equip., Inc.*, 841 F.2d 918, 925-26 (9th

23

Cir. 1988).

24

Public Citizen’s key argument in intervention was that *Beckman Indus., Inc. v. Int’l*

25

Ins. Co., 966 F.2d 470 (9th Cir. 1992), eliminated two of the three requirements that Rule

26

24(b)(1) imposes for permissive intervention, leaving timeliness as the sole inquiry where

27

intervention is sought to unseal court documents. Doc. 20 at 2. The Court rejected this

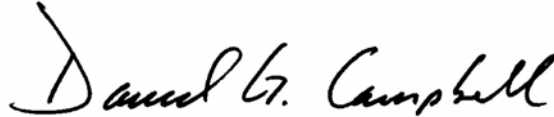
28

argument, holding that *Beckman* did not eliminate the “commonality nexus” requirement.

1 Doc. 21 at 3. The motion for reconsideration does not identify new facts or a change in law.
2 Instead, Public Citizen argues that “[m]edia intervenors never have any claims or defenses
3 in common with any of the existing parties, but their right to intervene is routinely
4 acknowledged.” Doc. 22 at 1:25-26. Although Public Citizen does not argue that it is a
5 media intervenor, it nonetheless asserts that it “has the same right as mainstream media
6 companies to intervene for the purpose of unsealing.”¹ *Id.* at 2:12-14. Public Citizen did not
7 make this argument in its motion to intervene or in its reply, however. *See* Docs. 17, 20.
8 Despite the “media vs. non-media” distinction appearing nowhere in Public Citizen’s earlier
9 briefs (*see* Docs. 17, 20), movant now seeks to re-argue its position on this basis. A motion
10 for reconsideration is not the proper vehicle to make new arguments. The motion will,
11 therefore, be denied.

12 **IT IS ORDERED** that the motion for reconsideration (Doc. 22) is **denied**.

13 DATED this 3rd day of March, 2011.

14
15
16 

17 _____
18 David G. Campbell
19 United States District Judge
20
21
22
23
24
25
26

27 _____
28 ¹ Public Citizen cites for support to *Public Citizen v. Liggett Group*, 858 F.2d 775 (1st
Cir. 1988). *Liggett Group* is inapposite, however, because the relevant issue on appeal was
“timeliness” – an issue that this Court did not need to address in this case (Doc. 21).