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IN THE UNITED STATES DISTRICT COURT

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FOR THE DISTRICT OF ARIZONA

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Regional Care Services Corporation, an
Arizona corporation; Regional Care
Services Corporation Health and Welfare
Employee Benefit Plan,

No. CV-10-2597-PHX-LOA

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ORDER

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Plaintiffs,

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vs.

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Companion Life Insurance Company,

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Defendant.

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This matter is before the Court on the motions of Defendant Companion Life Insurance Company (“Companion”) for Reconsideration of the Court’s Order Granting Plaintiffs’ Motion for Summary Judgment, doc. 117, and Motion to Withdraw Admission, doc. 118, both filed on May 8, 2012. Companion requests oral argument on both motions. Pursuant to Local Rule 7.2(g)(2), the Court ordered briefing on the motion for reconsideration which the parties have filed. (Doc. 125, 130) Because both motions are fully and thoroughly briefed, the Court finds oral argument unnecessary. *See Mahon v. Credit Bureau of Placer County, Inc.*, 171 F.3d 1197, 1200 (9th Cir. 1999).

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1. Motion for Reconsideration

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Local Rule of Civil Procedure 7.2(g) governs motions for reconsideration and states, *inter alia*, that “[t]he Court will ordinarily deny a motion for reconsideration of an Order absent a showing of manifest error or a showing of new facts or legal authority that

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1 could not have been brought to its attention earlier with reasonable diligence.” *Id.*

2 Although Companion’s motion for reconsideration includes a thorough discussion
3 of this case and the order at issue, Companion has not shown “manifest error” or
4 presented “new facts or legal authority that could not have been brought to [the Court’s]
5 attention earlier with reasonable diligence” that would change the Court’s ruling on the
6 motion for summary judgment. *See* LRCiv 7.2(g). Accordingly, the Court will deny
7 Companion’s motion for reconsideration.

8 **2. Motion to Withdraw Admission**

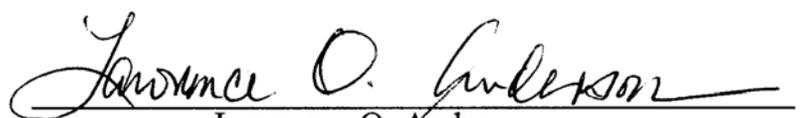
9 In a separate motion, Companion moves to withdraw its admission concerning Dr.
10 Gietzen’s status as an eligible participant under the Regional Care Services Corporation
11 Health and Welfare Employee Benefit Plan, pursuant to Fed.R.Civ.P. 36(b). (Doc. 118)
12 Plaintiffs filed a response in opposition to the motion to which Companion has replied.
13 (Docs. 126, 131) For the reasons set forth in the Court’s April 24, 2012 Order granting
14 Plaintiffs’ Motion for Summary Judgment, doc. 116 at 4-6, in which the Court speci-
15 fically addressed the Rule 36(b) issue, the Court will deny Companion’s motion. Nothing
16 in Companion’s belated motion to withdraw changes the Court’s prior analysis of that
17 issue.

18 Accordingly,

19 **IT IS ORDERED** that Defendant Companion Life Insurance Company’s Motion
20 for Reconsideration of the Court’s Order Granting Plaintiffs’ Motion for Summary
21 Judgment, doc. 117, is **DENIED**.

22 **IT IS FURTHER ORDERED** that Defendant Companion Life Insurance
23 Company’s Motion to Withdraw Admission, doc. 118, is **DENIED**.

24 Dated this 8th day of June, 2012.

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26 
27 Lawrence O. Anderson
28 United States Magistrate Judge