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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Hydentra HLP Int. Limited, et al.,

No. CV-16-01494-PHX-DGC

10 Plaintiffs,

ORDER

11 v.

12 Sagan Limited, MXN Limited, Netmedia
13 Services Incorporated, and David Koonar,

14 Defendants.

15 On February 10, 2020 the Court issued an order denying Defendants' request for an
16 evidentiary hearing. Doc. 71. Defendants, who did not file a reply brief addressing
17 Plaintiffs' response to their request for a hearing, now move for reconsideration and make
18 arguments they could have made in reply. Doc. 72. The Court will deny the motion.

19 **I. Governing Standard.**

20 Motions for reconsideration are granted only in rare circumstances. *Defenders of*
21 *Wildlife v. Browner*, 909 F. Supp. 1342, 1351 (D. Ariz. 1995). Such a motion will be
22 denied "absent a showing of manifest error or a showing of new facts or legal authority
23 that could not have been brought to its attention earlier with reasonable diligence."
24 LRCiv 7.2(g)(1); *see also United Nat'l Ins. Co. v. Spectrum Worldwide, Inc.*, 555 F.3d 772,
25 780 (9th Cir. 2009). Mere disagreement with an order is an insufficient basis for
26 reconsideration. *See Ross v. Arpaio*, No. CV 05-4177-PHX-MHM, 2008 WL 1776502, at
27 *2 (D. Ariz. April 15, 2008). Nor should reconsideration be used to ask the Court to rethink
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1 its analysis. *Id.*; see *N.W. Acceptance Corp. v. Lynnwood Equip., Inc.*, 841 F.2d 918, 925-
2 26 (9th Cir. 1988).

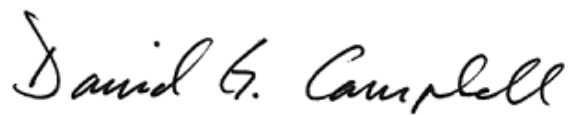
3 **II. Discussion.**

4 Defendants contend that Plaintiffs have waived the argument that the alleged
5 scraping activity in this case is an intentional act. Doc. 72 at 6. The Court does not agree.
6 Plaintiffs merely stated that they disagree “that the jurisdictional ‘intentional act’ analysis
7 *requires review* of the allegation of scraping and posting videos.” Doc. 70 at 4 (emphasis
8 added). The Court understands this to mean that the Court need not again review its
9 decision (and the Ninth Circuit’s agreement) that scraping is a sufficient intentional act.
10 *See* Doc. 62 at 6.

11 Defendants also argue that an evidentiary hearing would be limited to whether they
12 could have reasonably foreseen harm within the forum, and that this question is not
13 intertwined with the merits. But the foreseeable harm inquiry will address whether
14 Defendants committed an intentional act of copyright infringement that caused harm in the
15 United States – a question intertwined with the merits of Plaintiffs’ claims. When
16 jurisdictional facts are intertwined with the merits of a case, it is preferable that a
17 jurisdictional determination be made at trial “where a plaintiff may present his case in a
18 coherent, orderly fashion and without the risk of prejudicing his case on the merits.” *See*
19 *Data Disc, Inc. v. Sys. Tech. Assoc., Inc.*, 557 F.2d 1280, 1285 n.2 (9th Cir. 1977); *Best*
20 *Western Int’l Inc. v. Paradise Hospitality Inc.*, No. CV-14-00337-PHX-DGC, 2014 WL
21 4209246, at *5 (D. Ariz. Aug. 26, 2014).¹

22 **IT IS ORDERED** that Defendants’ motion for reconsideration is **denied**.

23 Dated this 26th day of February, 2020.

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25 _____
26 David G. Campbell
27 Senior United States District Judge

28 ¹ Defendants suggest that the Court should not consider Plaintiffs’ argument on
foreseeable harm because it was raised in a footnote. Doc. 72 at 7. But Plaintiffs’
expanded on this argument in the body of their response. *See* Doc. 70 at 5.