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6 **IN THE UNITED STATES DISTRICT COURT**  
7 **FOR THE DISTRICT OF ARIZONA**  
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9 Marvin Isaac Wyler, Jr., et al.,

10 Plaintiffs,

11 v.

12 Corporation of the Presiding Bishop of the  
13 Fundamentalist Church of Latter-Day  
Saints,

14 Defendant.  
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No. CV-16-08299-PCT-DJH

**ORDER**

16 This matter is before the Court on Plaintiffs’ Motion for Damages in this closed  
17 case. (Doc. 60). Plaintiffs’ untimely motion is not procedurally supported by any federal  
18 or local rule.<sup>1</sup> Moreover, while the case was open, Plaintiffs did not establish that they are  
19 entitled to the damages requested even though were given multiple opportunities to do so  
20 over the life of the case. The motion will be denied.

21 Oral argument was held on Plaintiffs’ Motion for Default Judgment on February 1,  
22 2019. (Doc. 52). At the hearing, Plaintiffs were ordered to file a third supplemental  
23 briefing setting forth “the specific amount of damages sought and the legal authority  
24 allowing such damages.” (Doc. 54). Plaintiffs filed their third supplemental brief on  
25 March 7, 2019, containing 118 pages of additional information, some of which had already  
26 been provided. Plaintiff did not request a sum certain amount for alleged physical and  
27 emotional distress or for defamation of reputation. (Doc. 58 at 9). On March 13, 2019, the

28 <sup>1</sup> Even if Plaintiffs filed their Motion pursuant to LRCiv 7.2(g) or Fed. R. Civ. P. 60, the Court doubts they could meet the time requirements therein for doing so.

1 Court entered an Order granting default judgment, but denying the damages sought based  
2 on Plaintiffs' failure to respond to the Court's specific questions as to proof of damages.  
3 (Doc. 58). The case was thereafter closed on March 13, 2019.

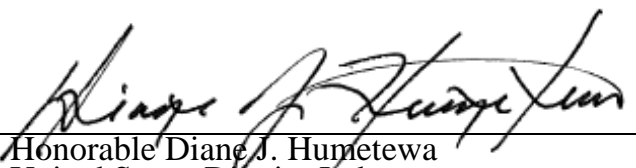
4 Plaintiffs' current motion consists of two pages of arguments, and a two-page  
5 declaration from Plaintiffs Wyler and Carstens. (Doc. 60). The motion cites no case law  
6 or federal or local rule and contains substantially less information than the previous filings  
7 filed months ago. There are also inconsistencies between the amounts requested in the  
8 Motion and proposed order, and the amounts testified to by the Plaintiffs in their  
9 declarations. For instance, Plaintiff Carstens declares \$332,000 in damages based on her  
10 2016 earnings, while the motion and proposed order requests \$300,000 in damages for  
11 Carstens. Plaintiffs have not met their burden of establishing damages in this case pursuant  
12 to Fed. R. Civ. P. 55(b). Therefore, the motion will be denied and the case will remain  
13 closed.

14 Accordingly,

15 **IT IS HEREBY ORDERED** that Plaintiffs' Motion for Damages (Doc. 60) is  
16 denied.

17 **IT IS FURTHER ORDERED** that this case shall remain closed.

18 Dated this 23rd day of October, 2019.

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22 Honorable Diane J. Humetewa  
23 United States District Judge  
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