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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

RE/MAX MEGA GROUP, a)	Case No. CV 09-06310 DDP (CTx)
California Corporation,)	
)	ORDER DENYING PLAINTIFF'S MOTION
Plaintiff,)	TO RECONSIDER
)	
v.)	[Motion filed on November 12,
)	2010]
MAXUM INDEMNITY COMPANY, a)	
Delaware corporation; S.H.)	
SMITH & COMPANY, INC., a)	
Connecticut corporation,)	
)	
Defendants.)	
)	
_____)	

Presently before the Court is Plaintiff RE/MAX MEGA GROUP's Motion for Reconsideration of the court's September 24, 2010, Order striking the Plaintiff's Opposition to Defendant's Motion for Summary Judgment and granting Summary Judgement in favor of Defendant Maxum Indemnity Company. After reviewing the parties' moving papers and considering the arguments therein, the court denies the motion.

Federal Rule of Civil Procedure 59(e) allows for "motion[s] to alter or amend a judgment." Reconsideration, however, is "an extraordinary remedy, to be used sparingly in the interests of

1 finality and conservation of judicial resources." Carroll v.
2 Nakatani, 342 F.3d 934, 945 (9th Cir. 2003) (internal quotation
3 marks omitted). "[A] motion for reconsideration should not be
4 granted, absent highly unusual circumstances, unless the district
5 court is presented with newly discovered evidence, committed clear
6 error, or if there is an intervening change in the controlling
7 law." Id. (internal quotation marks omitted).

8 Similarly, local Rule 7-18 provides that:

9 A motion for reconsideration of the decision on any
10 motion may be made only on the grounds of (a) a
11 material difference in fact or law from that presented
12 to the Court before such decision that in the exercise
13 of reasonable diligence could not have been known to
14 the party moving for reconsideration at the time of
15 such decision, or (b) the emergence of new material
16 facts or a change of law occurring after the time of
17 such decision, or (c) a manifest showing of a failure
18 to consider material facts presented to the Court
19 before such decision. No motion for reconsideration
20 shall in any manner repeat any oral or written argument
21 made in support of or in opposition to the original
22 motion.

23 Here, Plaintiff RE/MAX MEGA GROUP argues that Defendant Maxum
24 Indemnity Company did not meet its initial burden of demonstrating
25 a lack of disputed issues of material fact. (Pl.'s Motion 4:19-
26 22.) The court disagrees. First, the court granted Defendant
27 summary judgment as a matter of law. Plaintiff has offered no new
28 evidence or intervening law that would affect the court's order.
Second, with respect to the affidavits of Peter DeJesso, Adam D.H.
Grant, and Robert Clark, Defendant filed a notice of errata
advising the court and Plaintiff that the affidavits were
electronically filed without the second page due to an inadvertent
error. This error was promptly corrected, and the declarations are

1 and were part of the record for purposes of the court's September
2 24, 2010 order.

3 In sum, Plaintiff has failed to satisfy the court that the
4 court should exercise the extraordinary remedy of granting
5 Plaintiff's motion for reconsideration. Plaintiff does not allege
6 a "highly unusual circumstance," nor does it present the court with
7 newly discovered evidence, clear error, or a change in controlling
8 law.

9 Plaintiff's Motion for Reconsideration is DENIED.

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12 IT IS SO ORDERED.

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15 Dated: December 21, 2010

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DEAN D. PREGERSON
United States District Judge

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