
UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. SACV 10-1656-JST (RZx)

Date: May 18, 2011

Title: Bryan Pringle v. William Adams, Jr., et al.

Present: **Honorable JOSEPHINE STATON TUCKER, UNITED STATES DISTRICT JUDGE**

Nancy Boehme
Deputy Clerk

N/A
Court Reporter

ATTORNEYS PRESENT FOR PLAINTIFF: ATTORNEYS PRESENT FOR DEFENDANT:

Not Present

Not Present

**PROCEEDINGS: (IN CHAMBERS) ORDER DENYING PLAINTIFF’S
MOTION FOR RECONSIDERATION (Doc. 134)**

Before the Court is Plaintiff’s motion to reconsider the Court’s April 12, 2011 Order Awarding Sanctions Pursuant to 28 U.S.C. section 1927 (Doc. 126). (Doc. 134.) The Court finds this matter appropriate for decision without oral argument. Fed. R. Civ. P. 78(b); C.D. Cal. R. 7-15. Accordingly, the hearing set for June 13, 2011 at 10:00 a.m. is VACATED.

In the Central District of California, a motion for reconsideration:

may be made only on the grounds of [1] a material difference in fact or law from that presented to the Court before such decision that in the exercise of reasonable diligence could not have been known to the party moving for reconsideration at the time of such decision, or [2] the emergence of new material facts or a change of law occurring after the time of such decision, or [3] a manifest showing of a failure to consider material facts presented to the Court before such decision.

C.D. Cal. R. 7-18. Defendants have failed to show that any of these three grounds apply here.

Plaintiff contends that the Court failed to consider evidence submitted with Plaintiff’s opposition brief stating that “Shapiro Bernstein is representing . . . Rister Editions of France for the USA,” and “Rister Editions [is] administered in the United States by Shapiro, Bernstein & Co., Inc. (ASCAP).” (Pl.’s Mot. at 10-11; *see* Katz Decl., Doc. 123-1, ¶¶ 2, 3.) The Court did consider such evidence, however, and found it unavailing, explicitly noting in its April 12, 2011 Order that “[a]lthough Shapiro may represent Rister as a client in certain capacities, this does not make it Rister’s managing agent for purposes of service under Rule 4.” (Doc. 126 at 2.) Thus, as the Court explained in the Order, “Plaintiff has failed to provide any evidence that Shapiro is

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Rister's managing agent or that it had any express or implied authority to accept service for Rister." (*Id.*) The Court therefore DENIES Plaintiff's motion for reconsideration.

Initials of Preparer: nkb