



1 “A motion for reconsideration should not be granted, absent highly unusual  
2 circumstances, unless the district court is presented with newly discovered evidence, committed  
3 clear error, or if there is an intervening change in the controlling law,” and it “may not be used to  
4 raise arguments or present evidence for the first time when they could reasonably have been  
5 raised earlier in the litigation.” *Marlyn Nutraceuticals, Inc. v. Mucos Pharma GmbH & Co.*, 571  
6 F.3d 873, 880 (9th Cir. 2009) (internal quotation marks and citations omitted) (emphasis in  
7 original).

8 In the pending motion for reconsideration, plaintiff purports to have identified newly  
9 discovered evidence warranting reconsideration of the court’s order granting summary judgment  
10 in favor of defendants the County of Fresno and the Fresno Board of Supervisors (the “County  
11 defendants”). In this regard plaintiff points to allegedly new evidence that purports to establish “a  
12 causal connection between the County defendants’ and the annexation [of the Pleasant Valley  
13 State Prison], the construction of [Coalinga State Hospital,] and [the] exposure of plaintiff to  
14 Valley Fever.” (Doc. No. 78 at 7.)

15 The court’s review of the purported evidence relied upon by plaintiff in seeking  
16 reconsideration—even assuming its veracity—reveals no such connection. (*See* Doc. No. 78 at  
17 63, 82, 111, 116.) The documents plaintiff relies upon in this regard explain on their face that:

18 The City [of Coalinga] has determined to annex the Pleasant Valley  
19 State Prison (hereinafter “PVSP”) and adjacent State-owned prison  
20 lands (hereinafter, collectively, the “PVSP Site”) pursuant to  
21 special legislation approved by the governor known as SB 2227,  
and the City has now commenced proceedings to annex the PVSP  
Site.

22 (Doc. No. 78 at 63, 82, 111, 116). The documents now relied upon by plaintiff do not establish  
23 any causal connection between the County defendants and plaintiff’s exposure to Valley Fever;  
24 rather they merely pertain to the apportionment of tax revenue derived from the PVSP Site. (*Id.*)  
25 Plaintiff’s “newly discovered evidence” does not have any impact upon the court’s earlier finding  
26 that plaintiff failed to produce any evidence on summary judgement upon which a reasonable jury

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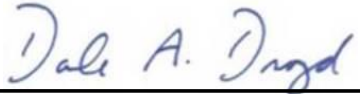
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1 could find that “County Defendants ultimately caused plaintiff’s exposure to Valley Fever.”  
2 (Doc. No. 71 at 25.)

3 Accordingly, plaintiff’s motion for reconsideration (Doc. No. 78) is denied.

4 IT IS SO ORDERED.

5 Dated: March 2, 2020

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UNITED STATES DISTRICT JUDGE

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