

1 must view the evidence presented through the prism of the
2 substantive evidentiary burden.”).

3 The court was well aware that a jury could award
4 punitive damages only upon finding that the plaintiffs
5 established oppression, fraud, or malice by clear and convincing
6 evidence. (See Aug. 26, 2016 Order at 30:14-19 (“Pursuant to
7 California Civil Code section 3294, a plaintiff may recover
8 punitive damages “[i]n an action for the breach of an obligation
9 not arising from contract, where it is proven by clear and
10 convincing evidence that the defendant has been guilty of
11 oppression, fraud, or malice.” (citing Cal. Civ. Code §
12 3294(a)).) The court applied the correct standard and, even
13 assuming the court had power to reconsider its prior order, it
14 sees no reason to do so.

15 IT IS THEREFORE ORDERED that Citi’s motion for
16 reconsideration be, and the same hereby is, DENIED and the
17 hearing set for October 17, 2016 on that motion is VACATED.

18 Dated: September 20, 2016

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20 **WILLIAM B. SHUBB**
21 **UNITED STATES DISTRICT JUDGE**
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