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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DeMartini, et al.,
Plaintiffs,
v.
DeMartini, et al.,
Defendants.

No. 2:14-cv-02722-JAM-CKD

**ORDER DENYING DEFENDANTS'
RENEWED MOTION TO STAY AND
DISMISS**

On January 11, 2019, Defendants and Counterclaimants Michael DeMartini and Renate DeMartini ("Defendants") filed what they have termed a "Renewed" Motion to Stay and to Dismiss ("Mot."). ECF No. 403. Defendants' Motion is no more than an improperly-presented Motion for Reconsideration. By Defendants' own admission, the Motion seeks to revive arguments that they have already presented to the Court. Mot. at 3-4, 9-11. See also Motion for Confirmation of an Automatic Stay, ECF No. 244; Motion for Certificate of Appealability, ECF No. 272; Motion to Dismiss, ECF No. 330. The Court considered and denied those motions. See ECF Nos. 254, 283. See also Transcript of Proceedings held on 4/17/18 at 238:5-242:21, ECF No. 343.

1 Absent "highly unusual circumstances, a Court should only
2 grant a Motion for Reconsideration when it "is presented with
3 newly discovered evidence, committed clear error, or if there is
4 an intervening change in the controlling law." Kona Enterprises,
5 Inc. v. Estate of Bishop, 229 F.3d 877, 890 (9th Cir. 2000).

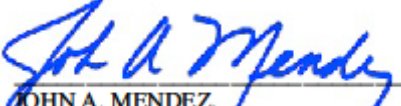
6 Nothing in Defendants' Motion suggests that any of the conditions
7 required for granting a Motion for Reconsideration are present.

8 It would serve Defendants well to stay apprised of Rule 11's
9 requirements. Fed. R. Civ. Proc. 11(b). In part, the rule
10 states that by filing a motion with the court, the party
11 certifies—under penalty of sanctions—that "[the motion] is not
12 being presented for any improper purpose, such as to harass,
13 cause unnecessary delay, or needlessly increase the cost of
14 litigation." Id. Frivolous filings not only violate Rule 11;
15 they undermine the authority this Court delegated to referee
16 Chuck Farrar. The Court declines to impose sanctions in response
17 to Defendants' Motion. But if future filings are similarly
18 untethered to the law, sanctions will prove unavoidable.

19 For the reasons set forth above, the Court DENIES
20 Defendants' Motion:

21 IT IS SO ORDERED.

22 Dated: March 1, 2019

23 
24 **JOHN A. MENDEZ,**
25 **UNITED STATES DISTRICT JUDGE**