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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

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DEBORAH FUST, INDIVIDUALLY AND
ON BEHALF OF ALL OTHERS
SIMILARLY SITUATED; AND EDWARD
PIMENTEL, INDIVIDUALLY AND ON
BEHALF OF ALL OTHERS SIMILARLY
SITUATED,

 Plaintiffs,

 v.

GILEAD SCIENCES, INC., A
DELAWARE CORPORATION REGISTERED
TO DO BUSINESS AND HEADQUARTERED
IN CALIFORNIA,

 Defendant.

No. 2:23-cv-2853 WBS DB

ORDER

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Plaintiffs Deborah Fust and Edward Pimentel request
that the court reconsider its February 22, 2024 order dismissing
their complaint with prejudice (see Docket No. 41). (Docket No.
46.)


This court's orders on dispositive motions are not
intended to serve merely as tentative rulings. A motion for

1 reconsideration of such an order is an "extraordinary remedy"
2 that should be used "sparingly in the interests of finality and
3 the conservation of judicial resources." Kona Enters. v. Estate
4 of Bishop, 229 F.3d 877, 890 (9th Cir. 2000).

5 The court has considered every basis on which
6 plaintiffs now move for reconsideration and concludes that
7 plaintiffs have not presented any newly discovered evidence,
8 shown clear error or manifest injustice, or pointed to an
9 intervening change in controlling law that would justify
10 reconsideration. See Sch. Dist. No. 1J, Mutnomah County v.
11 ACandS, Inc., 5 F.3d 1255, 1263 (9th Cir. 1993).¹

12 IT IS THEREFORE ORDERED that plaintiffs' motion for
13 reconsideration (Docket No. 46) be, and the same hereby is,
14 DENIED.

15 Dated: April 1, 2024


16 **WILLIAM B. SHUBB**
17 **UNITED STATES DISTRICT JUDGE**

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26 ¹ Contrary to plaintiffs' present assertions, by relying
27 upon Quackenbush v. Allstate Ins. Co., 517 U.S. 706 (1996)
28 (dealing extensively with Burford abstention), they did argue for
Burford abstention in their original moving papers. The court is
aware of no recognized doctrine of "Burton" abstention.