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5 IN THE UNITED STATES DISTRICT COURT  
6 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
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8 SAMUEL B. JOHNSON III,

No. C 07-05756 SI

9 Plaintiff,

**ORDER DENYING PLAINTIFF'S  
MOTION FOR LEAVE TO FILE A  
MOTION FOR RECONSIDERATION  
[Docket No. 264]**

10 v.

11 CHEVRON CORPORATION, *et al.*,

12 Defendants.  
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14 On February 4, 2009, the Court issued an order granting in part and denying in part plaintiff's  
15 motion for leave to file a second amended complaint. [Docket No. 241] On February 5, plaintiff sought  
16 leave to file a motion for reconsideration of the Court's February 4 Order. In response to some issues  
17 raised in plaintiff's motion, the Court amended its February 4 Order on February 9, 2009. [Docket No.  
18 261] On February 13, plaintiff filed the instant motion, in which he seeks leave to file a motion for  
19 reconsideration of the Court's February 9 Order. Plaintiff's motion is DENIED.

20 Plaintiff wishes to amend his complaint to include claims relating to his "mental, physical and  
21 other medical conditions, including a purported work related injury to his left hand, wrist and arm." *See*  
22 *Pl. Mot.*, at 1. Plaintiff argues that the Court erred in denying plaintiff's motion to include these claims  
23 because the parties have in fact been already conducted discovery on these issues, so defendants would  
24 not be prejudiced by the inclusion of plaintiff's proposed claims in this litigation. The Court has  
25 carefully reviewed the materials submitted by plaintiff in support of the instant motion and concludes  
26 that they do not support plaintiff's characterization of the course of discovery thus far.


27 In particular, the Court reviewed the excerpts cited by plaintiff from the December 12, 2008  
28 deposition of Debbie Wong, the November 25, 2008 deposition of Sellers Stough, the November 24,

1 2008 deposition of Catherine Drew, and the November 17, 2008 deposition of Kathryn Gallacher.  
2 These excerpts simply establish that a year into litigation and about a month before non-expert discovery  
3 closed, plaintiff began questioning defendants' witnesses about emotional stress and a hand injury that  
4 plaintiff allegedly experienced during his employment at defendant company. This evidence does not  
5 demonstrate that defendants had sufficient notice of plaintiff's new discrimination claims to allow them  
6 to prepare their defense. In addition, the excerpts from defendants' September 2, 2008 deposition of  
7 plaintiff confirm that at that time, defendants' questioning concerned his contention that he and his  
8 children experienced emotional distress as a result of plaintiff's termination, not his new allegations  
9 relating to disability discrimination.

10 The Court continues to believe that expanding this case to include plaintiff's new allegations  
11 would require non-expert discovery to be reopened, thereby further delaying litigation and prejudicing  
12 defendants. Accordingly, plaintiff's motion for leave to file a motion for reconsideration is DENIED.  
13 **Plaintiff may not file any motions for reconsideration of this order.** The Court anticipates that  
14 plaintiff will seek certification of an interlocutory appeal of the Court's decision on this issue. **Plaintiff**  
15 **is advised that any such request will be denied.**

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17 **IT IS SO ORDERED.**

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19 Dated: February 21, 2009

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22 SUSAN ILLSTON  
23 United States District Judge  
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