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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JULIUS BRIGGS, on behalf of himself
and all others similarly situated,

No. C 07-05760 WHA

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

**ORDER REGARDING
PLAINTIFF'S MOTION FOR
LEAVE TO FILE MOTION FOR
RECONSIDERATION**

Plaintiff has filed a motion for leave to file a motion for reconsideration of the April 2009 order on the parties cross-motions for summary judgment. Plaintiff asks the Court to reconsider its ruling that 28 U.S.C. 2415(f) creates a statutory setoff right. Plaintiff contends that the provision instead merely preserves common-law setoff rights from the statute of limitations set forth in Section 2415(a). Plaintiff does not, however, contend that new facts or law have since emerged but instead merely attempts to reargue issues previously raised. Civil Local Rule 7-9. In the April 2009 order, the Court considered the arguments then presented and ruled that Section 2415(f) creates a statutory setoff right. Plaintiff cannot now reargue the issue based on facts and law that were available at the time. The motion for leave to file is therefore

DENIED.

IT IS SO ORDERED.

Dated: May 22, 2009.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE

United States District Court
For the Northern District of California