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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

LYLE HUGHES,

Plaintiff,

No. C 07-4088 PJH

v.

**ORDER DENYING REQUEST
FOR LEAVE TO SEEK
RECONSIDERATION**

UNUMPROVIDENT CORPORATION,
et al.,

Defendants.

_____ /

On October 3, 2008, the court granted defendants' motion for partial summary judgment. Pursuant to Civ. L. R. 7-9(a), plaintiff now requests leave to file a motion for reconsideration of that order, on grounds that the Declaration of John Sargeant – which was ordered stricken by the court in its order – is relevant, contained no improper legal conclusions, and should not have been excluded. Alternatively, plaintiff seeks reconsideration on grounds that the court should have stricken only those offending portions of the Sargeant Declaration that contained legal conclusions.

Plaintiff requests leave on the basis of "a manifest failure by the Court to consider material facts." However, plaintiff's request does not demonstrate an adequate basis for this claim. Plaintiff does not, for example, explain the nature of plaintiff's argument or sufficiently establish for the court which material facts its prior order failed to consider, and/or the effects of that failure upon the court's holding. While plaintiff does cite to two additional cases in its short request, plaintiff also does not sufficiently explain the significance of those cases to any conclusion that the court manifestly failed to consider material facts (or dispositive legal arguments). Moreover, after reviewing the cases, the court finds that the cases do not support any obvious conclusion that the court erred in its

United States District Court
For the Northern District of California

1 prior order.

2 In sum, the admissibility of the Sargeant Declaration was previously presented to and
3 considered by the court in its initial order, and nothing submitted by plaintiff in the instant
4 request justifies the court's departure from that order. Accordingly, the request for leave to
5 file a motion for reconsideration on that issue is DENIED.

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7 **IT IS SO ORDERED.**

8 Dated: October 22, 2008



PHYLLIS J. HAMILTON
United States District Judge

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