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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

LYLE HUGHES,

No. C 07-4088 PJH

Plaintiff,

**ORDER DENYING MOTION FOR
LEAVE TO FILE A MOTION FOR
RECONSIDERATION**

v.

UNUMPROVIDENT CORPORATION,
et al.,

Defendants.

Before the court is defendants Unum Group (f/k/a Unumprovident Corporation) and First Unum Life Insurance Company's (sued as Unum Corporation) (collectively "defendants") motion for leave to file a motion for reconsideration pursuant to Civil Local Rule 7-9. Defendants seek reconsideration of this court's January 5, 2009 Order granting plaintiff's motion to remand and denying plaintiff's request for attorney's fees. Defendants maintain that reconsideration is warranted because there was a manifest failure by this court to consider material facts, citing Civil Local Rule 7-9(b)(3).¹ Specifically, defendants contend that the court's decision to remand this action was not informed by the understanding that defendants had a concrete interest in the motion to remand insofar as actionable state law claims remain against them.

Having carefully read the defendants' papers and considered the relevant legal authority, the court concludes that leave to file a motion for reconsideration is not warranted. Contrary to defendants' contention, the court's decision to remand this action

¹ Leave to file a motion for reconsideration may be granted where a party specifically shows: "A manifest failure by the Court to consider material facts or dispositive legal arguments which were presented to the Court before such interlocutory order." Civ. L.R. 7-9(b)(3).

1 was made under the assumption that defendants had a concrete interest in the motion to
2 remand. While the court noted that it was “perplexed” as to why defendants opposed the
3 motion to remand, because it appeared that the only remaining claims were state law
4 claims asserted against another defendant, the court expressly stated that “even assuming
5 for the sake of argument that the defendants have a stake in the instant motion insofar as
6 actionable state law claims remain against them, the court finds defendants’ diversity
7 jurisdiction argument to lack merit.” The court went on to consider, and reject, defendants’
8 argument urging the court to exercise supplemental jurisdiction over the remaining state
9 law claims.

10 Accordingly, because defendants did not meet the standard set forth in Civil Local
11 Rule 7-9(b)(3), their motion for leave to file a motion for reconsideration is DENIED.

12 **IT IS SO ORDERED.**

13 Dated: January 28, 2009



PHYLLIS J. HAMILTON
United States District Judge

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