

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

3  
4 SONOMA COUNTY ASS'N OF RETIRED  
EMPLOYEES,

5                                    Plaintiff,

6                                    v.

7 SONOMA COUNTY,

8                                    Defendant.  
9 \_\_\_\_\_/

No. C 09-4432 CW

ORDER GRANTING  
MOTION FOR LEAVE  
TO FILE MOTION FOR  
RECONSIDERATION

(Docket No. 142)

10                                    In May 2013, after this case was remanded from the Ninth  
11 Circuit, Plaintiff Sonoma County Association of Retired Employees  
12 (SCARE) filed its Second Amended Complaint (2AC) asserting that  
13 Defendant Sonoma County's new cap on healthcare benefit  
14 contributions to retirees constituted a breach of the County's  
15 longstanding agreement to pay for its retirees' healthcare  
16 benefits costs in perpetuity. The County filed a motion to  
17 dismiss for failure to state a claim and lack of subject matter  
18 jurisdiction. On January 10, 2014, the Court granted the motion  
19 in part, dismissing the 2AC with respect to non-union retirees and  
20 those hired before 1990. Docket No. 96. In addition, the Court  
21 precluded Plaintiff from proceeding on any claims based on the  
22 1985 "tie agreement," reasoning that SCARE had failed to identify  
23 a specific ordinance or resolution creating that contract. Id.  
24 Plaintiff now requests leave to file motion for reconsideration,  
25 noting that the distinction between pre- and post- 1990 hires was  
26 not addressed in Defendant's motion to dismiss SCARE's 2AC or  
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28

1 Plaintiff's opposition. In addition, SCARE contends that new  
2 material facts have been revealed in the course of discovery.

3 After considering the parties' submissions, the Court GRANTS  
4 Plaintiff's motion for leave to file motion for reconsideration.  
5 Docket No. 142. The request for leave is deemed to constitute the  
6 motion for reconsideration. Defendant may file a response of  
7 fifteen pages or less within fourteen days of the date of this  
8 order. Plaintiff may file a reply in support of its motion of up  
9 to seven pages within seven days thereafter. The matter will be  
10 decided on the papers unless a hearing is set by the Court. The  
11 parties may stipulate to extending the upcoming deadlines.

12 IT IS SO ORDERED.

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14 Dated: 2/19/2015

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CLAUDIA WILKEN  
United States District Judge