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2 UNITED STATES DISTRICT COURT  
3 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
4 OAKLAND DIVISION  
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6 ELGIN COX,

7 Plaintiff,

8 vs.

9 ALLIN CORPORATION PLAN and UNUM  
10 LIFE INSURANCE COMPANY OF  
11 AMERICA; DELL, INC.  
12 COMPREHENSIVE WELFARE BENEFITS  
13 PLAN; DELL, INC., ADMINISTRATION  
14 AND INVESTMENT COMMITTEE;  
15 AETNA LIFE INSURANCE COMPANY,

16 Defendants.

Case No: C 12-5880 SBA

**ORDER DENYING DEFENDANTS'  
MOTION FOR LEAVE TO RAISE  
ONE ADDITIONAL POINT IN  
SUPPORT OF MOTION FOR  
RECONSIDERATION**

16 On September 30, 2014, the Court issued its Order adjudicating the parties' cross-  
17 motions for summary judgment and referring the parties for a mandatory settlement  
18 conference before Magistrate Judge Donna Ryu ("Magistrate"). Dkt. 98. On October 20,  
19 2014—before the settlement conference was scheduled to take place—Defendants filed a  
20 motion for leave to file a motion for reconsideration. Dkt. 101. On October 30, 2014,  
21 Plaintiff also filed a motion for leave to file a motion for reconsideration. Dkt. 109.

22 On November 7, 2014, the parties informed the Court that, from their perspective, it  
23 would be pointless to proceed with the settlement conference, which resulted in its  
24 cancellation by the Magistrate. Dkt. 110, 111. In view of that development, the Court  
25 issued a briefing schedule directing the parties to file their respective responses to the  
26 other's motion for leave to file a motion for reconsideration by December 1, 2014. Dkt.  
27 112. That deadline was twice extended based on the parties' stipulated requests. Dkt. 114,  
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1 116. The parties filed their respective responses on December 11, 2014. Dkt. 117, 118.  
2 Both motions are now under submission.

3 On December 30, 2014, Defendants submitted the instant Motion for Leave to Raise  
4 One Additional Point in Support of Motion for Reconsideration. Dkt. 119. Local Rule 7-9,  
5 which governs motions for leave to file a motion for reconsideration, specifies that:  
6 “The moving party *must specifically show reasonable diligence* in bringing the motion.”  
7 Civ. L.R. 7-1(b) (emphasis added). No such showing has been made. Defendants readily  
8 admit that their “additional point” could and should have been raised in their original  
9 motion filed on October 20, 2014, but that “it just occurred [to them]” to make it at this  
10 juncture. *Id.* at 1:24. Moreover, permitting Defendants to, in effect, supplement their  
11 motion two months after the fact would be prejudicial to Plaintiff, since briefing on the  
12 pending motions is now closed. Accordingly,

13 IT IS HEREBY ORDERED THAT Defendants’ Motion for Leave to Raise One  
14 Additional Point in Support of Motion for Reconsideration is DENIED. Absent exigent  
15 circumstances, no additional motions or requests may be filed in this action pending the  
16 Court’s ruling on the pending motions for leave to file motions for reconsideration.

17 IT IS SO ORDERED.

18 Dated: 1/6/15

  
SAUNDRA BROWN ARMSTRONG  
United States District Judge

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