

United States District Court
For the Northern District of California

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

NORLITO SORIANO,)	Case No.: 09-CV-02415-LHK
)	
Plaintiff,)	
v.)	
)	
COUNTRYWIDE HOME LOANS, INC.,)	ORDER DENYING PLAINTIFF’S EX
SOLIDHOMES FUNDING, MANUEL)	PARTE APPLICATION
CHAVEZ, MARK FLORES, SOLIDHOMES)	
ENTERPRENEURS, INC., BANK OF)	
AMERICA CORP., AND DOES 5-100,)	
)	
Defendants.)	

Plaintiff has previously submitted two ex parte applications seeking clarification or leave to move for reconsideration of the Court’s Orders in this case. In response to these requests and to arguments raised by both parties, the Court has issued two pretrial Orders. See Dkt. Nos. 94, 100. Plaintiff has submitted a third ex parte application seeking clarification or leave to move for reconsideration of the Court’s most recent Order, issued on May 10, 2011.

As Plaintiff points out in the ex parte application, reconsideration is an “extraordinary remedy to be used sparingly” and may only be granted where there is a clear error of law. *Kona Enters. v. Estate of Bishop*, 229 F.3d 877, 890 (9th Cir. 2000). Plaintiff has failed to point out any legal errors in the Order that would justify granting Plaintiff leave to move for reconsideration.

Although Plaintiff states that he believes the May 10, 2011 Order is unclear and in error, the Court believes the Order is sufficiently clear and not erroneous. The Order specifically holds that,

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as a matter of law, Plaintiff is not entitled to seek attorney’s fees as a remedy for a UCL violation. Plaintiff failed to address this issue or cite any authority in support of his position that attorney’s fees are available for UCL violations in his ex parte application.

The Order further states that “Plaintiff is cautioned that on the record presently before the Court, it appears likely that Plaintiff is entitled to no monetary recovery based on the alleged TILA and UCL violations.” The Court is not persuaded that any clarification is warranted.

Accordingly, Plaintiff’s requests in the ex parte application are DENIED.

IT IS SO ORDERED.

Dated: May 16, 2011



LUCY H. KOH
United States District Judge