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6 UNITED STATES DISTRICT COURT
7 SOUTHERN DISTRICT OF CALIFORNIA
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9 DEBORAH HOOPER,

10 Plaintiff,

11 v.

12 COUNTY OF SAN DIEGO, *et. al*,

13 Defendant.

Case No.: 07cv1647-JAH-KSC

**ORDER DENYING DEFENDANTS'
MOTION FOR
RECONSIDERATION (Doc. No. 400)**

14 **INTRODUCTION**

15 Pending before the Court is Defendants County of San Diego and Kirk Terrell
16 (“Defendants”) Motion for Reconsideration. The motion is fully briefed. Based upon the
17 pleading and oral arguments on the matter, and for the reasons set forth below, the Court
18 **DENIES** Defendants’ Motion for Reconsideration.

19 **BACKGROUND**

20 On January 8, 2015, this Court issued an Order granting Plaintiff’s motion for a new
21 trial. *See* Doc. No. 169. Defendants filed a motion for reconsideration of that decision,
22 which was subsequently denied on May 19, 2015. *See* Doc. No. 184. Defendants filed the
23 instant motion for reconsideration on May 1, 2020. *See* Doc. No. 400. Therein, Defendants
24 argue that the clear weight of the evidence does not support a Plaintiff’s verdict, as
25 demonstrated by the two mistrials that followed the 2013 jury verdict in favor of
26 Defendants.

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1 **DISCUSSION**

2 **1. Legal Standard**

3 Under Rule 54(b),

4 any order or other decision, however designated, that adjudicates fewer than
5 all the claims or the rights and liabilities of fewer than all the parties does not
6 end the action as to any of the claims or parties and may be revised at any time
7 before the entry of a judgment adjudicating all the claims and all the parties'
rights and liabilities.

8 Fed. R. Civ. Proc. 54(b).

9 In the Southern District of California, motions for reconsideration are also governed
10 by Civil Local Rule 7.1(i). The rule requires that for any motion for reconsideration,

11 it shall be the continuing duty of each party and attorney seeking such relief
12 to present to the judge ... an affidavit of a party or witness or certified
13 statement of an attorney setting forth the material facts and circumstances
14 surrounding each prior application, including inter alia: (1) when and to what
15 judge the application was made, (2) what ruling or decision or order was made
16 thereon, and (3) what new or different facts and circumstances are claimed to
exist which did not exist, or were not shown, upon such prior application.

17 Civ. L.R. 7.1(i)(1).

18 **2. Analysis**

19 For the second time, Defendants seek reconsideration of the Court's prior Order
20 granting Plaintiff a new trial. Reconsideration is not a mechanism for the parties "to ask
21 the court to rethink what the court has already thought through—rightly or wrongly."
22 *United States v. Rezzonico*, 32 F.Supp.2d 1112, 1116 (D. Ariz. 1998). Rather,
23 reconsideration is an "extraordinary remedy" that is to be used "sparingly." *Kona Enters.*
24 *v. Estate of Bishop*, 229 F.3d 877, 890 (9th Cir. 2000). "

25 The local civil rules require a motion for reconsideration be filed within 28-days
26 after entry of the ruling. L. Civ. R. 7.1.i.2 ("Except as may be allowed under Rules 59 and
27 60 of the Federal Rules of Civil Procedure, any motion or application for reconsideration
28 must be filed within twenty-eight days after the entry of the ruling order or judgment sought

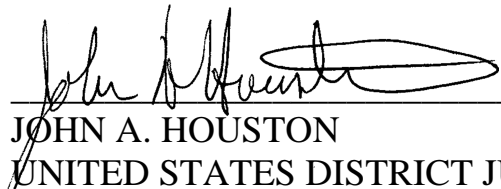
1 to be reconsidered.” (emphasis added)). The local civil rules do not provide a timing
2 exception under Federal Rules of Civil Procedure 54 as they do for Rules 59 and 60. Here,
3 the Order granting Plaintiff a new trial was filed in January 2015 and the Order Denying
4 Reconsideration in May 2015—now, over five years later Defendants seek another
5 reconsideration of the Court’s prior order. Defendants’ motion falls well beyond the
6 deadlines imposed by Local Rule 7.1(i)(2). Further, the Court has previously reconsidered
7 its prior order granting Plaintiff’s motion for a new trial. As such, the Court declines to
8 exercise its inherent power to reconsider the order.

9 **CONCLUSION**

10 For the reasons set forth above, Defendants’ Motion for Reconsideration is
11 **DENIED.**

12 **IT IS SO ORDERED.**

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14 DATED: September 2, 2020

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18 JOHN A. HOUSTON
19 UNITED STATES DISTRICT JUDGE
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