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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

SOUTHERN CALIFORNIA GAS
COMPANY, a California corporation,

Plaintiff,

vs.

SYNTELLECT, INC., a Delaware
corporation,

Defendant.

SYNTELLECT, INC., a Delaware
corporation,

Counterclaimant,

SOUTHERN CALIFORNIA GAS
COMPANY, a California corporation,

Counterdefendant.

CASE NO. 08cv941 BEN (NLS)

**ORDER DENYING
SYNTELLECT'S MOTION FOR
RECONSIDERATION**

1 Syntellect, Inc., moves for reconsideration of the order on the cross motions for summary
2 judgment. Reconsideration of a previous order is an “extraordinary remedy, to be used sparingly
3 in the interests of finality and conservation of judicial resources.” *Carroll v. Nakatani*, 342 F.3d
4 934, 945 (9th Cir. 2003). “[A] motion for reconsideration should not be granted, absent highly
5 unusual circumstances, unless the district court is presented with newly discovered evidence,
6 committed clear error, or if there is an intervening change in the controlling law.” *Id.* (quoting
7 *Kona Enters., Inc. v. Estate of Bishop*, 229 877, 890 (9th Cir. 2000)).

8 The fact that the opinion by the United States District Court for the Southern District of
9 Alabama was vacated in accordance with a stipulation of the parties (one of which was Syntellect),
10 does not constitute an intervening change in controlling law, as Syntellect asserts. The decision
11 was not controlling. Moreover, its reasoning has not lost its persuasive force. Syntellect also
12 argues that this Court made a decision “outside the adversarial issues presented to the court.” It
13 did not. Finally, the Court declines the invitation of Southern California Gas Company to order
14 Syntellect to show cause why it should not be sanctioned pursuant to 28 U.S.C. § 1927 for filing
15 the motion for reconsideration.

16 The motion for reconsideration is denied.

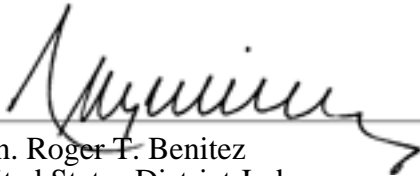
17 **IT IS SO ORDERED.**

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19 DATED: July 25, 2011

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Hon. Roger T. Benitez
United States District Judge

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