

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

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

MARTY EMMONS and MAGGIE  
EMMONS,

Plaintiffs,

v.

CITY OF ESCONDIDO; EPD Chief  
of Police CRAIG CARTER; Former  
EPD Chief of Police JIM MAHER;  
EPD Sgt. KEVIN TOTH; EPD  
Officers ROBERT CRAIG, HUY  
QUACH, JAKE HOUCHIN and  
JOSEPH LEFFINGWELL,

Defendants.

CASE NO. 14cv1662 JM(DHB)

ORDER GRANTING MOTION FOR  
RECONSIDERATION

Defendants City of Escondido, Craig Carter, Kevin Toth, Robert Craig, Jake Houchin, Cory Moles and Joseph Leffingwell move to correct several perceived errors in this court's March 2, 2016 Order Granting Motion for Summary Judgment in Favor of Defendants and Against Plaintiffs ("Order"). Plaintiffs Marty Emmons and Maggie Emmons do not oppose the motion.


Reconsideration is generally appropriate "if the district court (1) is presented with newly discovered evidence, (2) committed clear error or the initial decision was manifestly unjust, or (3) if there is an intervening change in controlling law. . . . There may also be other, highly unusual circumstances warranting reconsideration." School

1 Dist. No. 1J, Multnomah County, Oregon v. ACandS, Inc., 5 F.3d 1255, 1263 (9th Cir.  
2 1993) (citations omitted); Fed.R.Civ.P. 60(b). The court makes the following  
3 corrections or clarifications: (1) summary judgment is granted in favor of Craig Carter  
4 on all claims asserted against him, to the extent there is any confusion (the Order  
5 identifies Craig Carter as one of the movants); (2) summary judgment is granted in  
6 favor of Cory Moles on all claims asserted against him (this defendant was  
7 inadvertently omitted from the Order); (3) references to defendant Huy Quach are  
8 removed from the Order (the parties stipulated to his dismissal prior to issuance of the  
9 Order); and (4) references to defendant “Leffinwell” are corrected to “Leffingwell.”

10 In sum, the court grants the motion for reconsideration and instructs the Clerk  
11 of Court to enter judgment in favor of Defendants and against Plaintiffs on all claims  
12 alleged in the First Amended Complaint.

13 **IT IS SO ORDERED.**

14 DATED: April 26, 2016

  
\_\_\_\_\_  
Hon. Jeffrey T. Miller  
United States District Judge

15  
16 cc: All parties

17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28