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8 UNITED STATES DISTRICT COURT  
9 SOUTHERN DISTRICT OF CALIFORNIA

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11 LAURA LYNN HAMMETT,  
12 Plaintiff,  
13 v.  
14 MARY E. SHERMAN, et al.,  
15 Defendants.

Case No.: 19-CV-605 TWR (LL)

**ORDER (1) DENYING PLAINTIFF'S  
MOTION FOR  
RECONSIDERATION, AND  
(2) DENYING AS MOOT  
PLAINTIFF'S EX PARTE MOTION  
FOR ORDER SHORTENING TIME**

(ECF Nos. 184, 185)

18 Presently before the Court are Plaintiff Laura Lynn Hammett's Motion for  
19 Reconsideration of Order Denying as Moot Plaintiff's Motion for Disqualification of the  
20 Honorable Janis L. Sammartino ("Reconsideration Mot.," ECF No. 154) and Ex Parte  
21 Motion for Order Shortening Time ("Ex Parte Mot.," ECF No. 185). Because Plaintiff had  
22 sought the disqualification of Judge Sammartino, (*see* ECF No. 153), her request was  
23 mooted by the transfer of this action to the undersigned. *See, e.g., Shahin v. Darling*, 606  
24 F. Supp. 2d 525, 545 (D. Del.) (denying as moot motion for recusal when case was  
25 subsequently reassigned to another judge), *aff'd*, 350 F. App'x 605 (3d Cir. 2009). The  
26 Court therefore denied as moot her disqualification motion. (*See* ECF No. 174.) Plaintiff  
27 now seeks reconsideration of that Order based on the "new circumstance" that Defendants'  
28 motions to dismiss contend that certain of Judge Sammartino's prior legal conclusions are

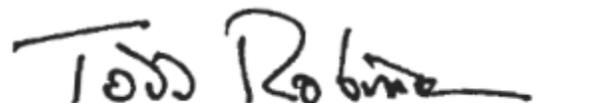
1 “the law of the case.” (*See* Reconsideration Mot. at 2–3.) Plaintiff additionally requests  
2 that her Reconsideration Motion be heard on an expedited basis so that she may receive a  
3 decision “ahead of the due date for response to the MTD.” (*See* Ex Parte Mot. at 2.)

4 Reconsideration is an “extraordinary remedy, to be used sparingly in the interests of  
5 finality and conservation of judicial resources.” *Kona Enters., Inc. v. Estate of Bishop*, 229  
6 F.3d 877, 890 (9th Cir. 2000). Consequently, reconsideration is appropriate in only limited  
7 circumstances, such as where “the district court (1) is presented with newly discovered  
8 evidence, (2) committed clear error or the initial decision was manifestly unjust, or (3) if  
9 there is an intervening change in controlling law.” *Sch. Dist. No. 1J, Multnomah Cty. v.*  
10 *AC&S, Inc.*, 5 F.3d 1255, 1263 (9th Cir. 1993); *see also* S.D. Cal. CivLR 7.1(i)(2)  
11 (requiring any party moving for reconsideration “to present to the judge . . . an affidavit  
12 . . . setting forth . . . what new or different facts and circumstances are claimed to exist  
13 [that] did not exist, or were not shown, upon such prior application”).

14 Defendants’ legal arguments are not “newly discovered evidence” or “an intervening  
15 change in controlling law” that would permit reconsideration of the Court’s Order. *See,*  
16 *e.g., Nash v. Hepp*, No. 08-CV-202, 2010 WL 1221739, at \*1 (E.D. Wis. Mar. 22, 2010)  
17 (denying motion for reconsideration because, among other things, a “legal citation [wa]s  
18 not ‘evidence’” and, “even if it w[ere] evidence, it [wa]s not ‘newly-discovered’”), *aff’d*,  
19 740 F.3d 1075 (7th Cir. 2014). Consequently, any arguments concerning “the law of the  
20 case” are appropriately addressed in Plaintiff’s opposition to the motions to dismiss. The  
21 Court therefore **DENIES** Plaintiff’s Reconsideration Motion and **DENIES AS MOOT**  
22 Plaintiff’s Ex Parte Motion.

23 **IT IS SO ORDERED.**

24 Dated: October 16, 2020



25  
26 Honorable Todd W. Robinson  
27 United States District Court  
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