

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

MARY CHACE, an individual,

Plaintiff,

v.

WELLS FARGO HOME MORTGAGE;
WELLS FARGO BANK, NA; GREENWICH
CAPITAL FINANCIAL PRODUCTS, INC.;
HUBBLE HOME LOANS, LLC;
NORTHWEST TRUSTEE SERVICES, INC;
PIONEER TITLE COMPANY; and
DEUTSCHE BANK NATIONAL TRUST
COMPANY; all foreign corporations doing
business in the State of Idaho; DOES 1-10 and
ROES 2-10,

Defendants.

Case No. CV 09-203-S-BLW

ORDER ON RECONSIDERATION

Before the Court is Plaintiff's Motion to Reconsider its Order (Dkt. 41) and Judgment (Dkt. 42) dismissing Plaintiff's case. Plaintiff initially filed no brief in support of her motion. But after Defendant filed its Response (Dkt. 44), Plaintiff filed a supporting memorandum (Dkt. 45). The Court finds that oral argument is not needed, and will thus consider the motion without a hearing. Having reviewed the record and pleadings, the Court now issues the following order denying Plaintiff's Motion.

BACKGROUND

Plaintiff Mary Chace first filed this lawsuit (Dkt. 1) on May 1, 2009. Plaintiff filed Amended Complaints (Dkts. 19, 29) on November 13, 2009, and February 9, 2010. The

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Court considered and granted a number of motions to dismiss by Defendants (*see* Dkts. 15, 28, 36, and 41), including the Order now at issue in Plaintiff's motion for reconsideration. In its Order dated June 7, 2010, the Court directed Plaintiff to serve remaining defendants, including Greenwich, by no later than June 30, 2010. *Order*, Dkt. 36. Plaintiff filed a Notice on July 7, 2010 – after the deadline set by the Court – indicating that service on Defendants Greenwich and Deutsche Bank was accomplished. *Notice*, Dkt. 37. Defendant Greenwich filed a motion to dismiss for failure to properly serve. *Motion*, Dkt. 38. Plaintiff did not respond, and the Court granted the motion, dismissing the case in its entirety, with prejudice. *Order*, Dkt. 41.

Plaintiff now seeks reconsideration of the Court's Order. Defendant has filed its opposition (Dkt. 44).

ANALYSIS

“Courts have distilled various grounds for reconsideration of prior rulings into three major grounds for justifying reconsideration: (1) an intervening change in controlling law; (2) the availability of new evidence or an expanded factual record; and (3) need to correct a clear error or to prevent manifest injustice.” *Louen v Twedt*, 2007 WL 915226 (E.D.Cal. March 26, 2007). If the motion to reconsider does not fall within one of these three categories, it must be denied.

Plaintiff here asserts that there are “new facts . . . bearing on the validity” of the Court's Order dismissing her case. Under Local Rules 7.1(b)(1) and 7.1(e),

Plaintiff was required to file her memorandum with her motion, which she did not timely accomplish. Notwithstanding Plaintiff's procedural rule violations, her late-filed memorandum fails to support any of the grounds for reconsideration.

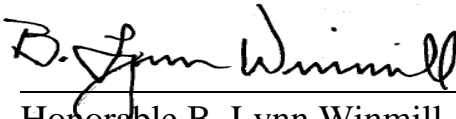
Accordingly, Plaintiff's Motion for Reconsideration will be denied.

ORDER

IT IS ORDERED THAT Plaintiff's Motion for Reconsideration (Dkt. 43) is **DENIED**.



DATED: **November 10, 2010**


Honorable B. Lynn Winmill
Chief U. S. District Judge