

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

COPPER SANDS HOMEOWNERS )  
ASSOCIATION, INC., et al., )  
 )  
Plaintiffs, )  
vs. )  
 )  
COPPER SANDS REALTY, LLC, et al., )  
 )  
Defendants. )

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Case No.: 2:10-cv-00510-GMN-NJK

**ORDER**

Pending before the Court is the Motion for District Judge to Reconsider Order (ECF No. 468) filed by Defendant CS Consulting Service, LLC (“CSCS”). Plaintiffs filed a Response. (ECF No. 537.) For the reasons stated below, the Court DENIES CSCS’s Motion for Reconsideration.

**I. PROCEDURAL BACKGROUND**

On March 27, 2012, this Court entered an Order granting in part and denying in part CSCS’s Motion for Summary Judgment. (ECF No. 425.) Specifically, the Court entered summary judgment in favor of CSCS on Plaintiffs’ claim for negligence. (Id. at 9:6-7.) However, the Court denied CSCS’s motion for summary judgment with respect to Plaintiffs’ claims for negligent misrepresentation, breach of contract and implied warranty. (Id. at 9:4-5.) Thereafter, CSCS filed the instant motion requesting that the Court reconsider the portion of the Court’s Order that denied CSCS’s motion for summary judgment. (ECF No. 468.) Although Plaintiffs initially failed to file a Response to CSCS’s Motion to Reconsider (see Notice of Non-opposition, ECF No. 492), Plaintiffs eventually filed an Emergency Motion to Extend Time to Respond (ECF No. 529). The Court granted that motion on July 20, 2012 (ECF No.

1 532) and Plaintiffs filed their Response to Defendant’s Motion to Reconsider on July 23, 2012  
2 (ECF No. 537).

3 **II. LEGAL STANDARD**

4 “[A] motion for reconsideration should not be granted, absent highly unusual  
5 circumstances.” Carroll v. Nakatani, 342 F.3d 934, 945 (9th Cir. 2003) (citation omitted).  
6 Reconsideration is appropriate where: (1) the court is presented with newly discovered  
7 evidence, (2) the court committed clear error or the initial decision was manifestly unjust, or  
8 (3) if there is an intervening change in controlling law. School Dist. No. 1J, Multnomah Cnty v.  
9 ACandS, Inc., 5 F.3d 1255, 1263 (9th Cir. 1993).

10 **III. DISCUSSION**

11 The Court has reviewed the prior ruling and the arguments presented by Defendant in its  
12 motion and has not found any reason to overturn this Court’s previous Order. In Defendant’s  
13 motion, Defendant has failed to present the Court with any newly discovered evidence.  
14 Likewise, Defendant has failed to indicate that there has been an intervening change in the  
15 controlling law. Rather, Defendant appears to argue that the Court committed clear error and  
16 that the Court’s initial decision to deny Defendant’s motion for summary judgment was  
17 manifestly unjust. However, the Court finds neither clear error nor manifest injustice in the  
18 reasoning of the Court’s order transferring venue. Accordingly, Plaintiff’s Motion to  
19 Reconsider is DENIED.

20 To the extent that Defendant is attempting to “re-new” its original motion for summary  
21 judgment, such an attempt is improper because the instant motion contains arguments not  
22 presented in Defendant’s motion for summary judgment. These arguments were presented only  
23 in Defendant’s Reply Brief, thereby preventing Plaintiffs from responding to those arguments.  
24 Furthermore, these arguments were improperly raised in the instant motion because this motion  
25 was filed more than three months after the dispositive motions deadline. (See Stipulation &

1 Order to Extend Discovery 5:11, ECF No. 293.)

2 **IV. CONCLUSION**

3 **IT IS HEREBY ORDERED** that Defendant's Motion to Reconsider (ECF No. 468) is  
4 **DENIED.**

5 **DATED** this 28th day of March, 2013.

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9 Gloria M. Navarro  
10 United States District Judge  
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