

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
DISTRICT OF NEVADA

* * *

<p>SALMA AGHA-KHAN, M.D.,</p> <p style="text-align: right;">Plaintiff(s),</p> <p style="text-align: center;">v.</p> <p>PACIFIC COMMUNITY MORTGAGE, INC., et al.,</p> <p style="text-align: right;">Defendant(s).</p>		<p>Case No. 2:16-CV-1124 JCM (NJK)</p> <p style="text-align: center;">ORDER</p>
--	--	--

Presently before the court is plaintiff Salma Agha-Khan’s motion to reconsider this court’s February 3, 2017, order denying plaintiff’s motion to amend her complaint and granting various motions to dismiss. (ECF No. 153). Multiple responses and joinders to those responses have been submitted by defendants. (ECF Nos. 155–64). Plaintiff filed a reply. (ECF No. 165).

I. Introduction

Plaintiff’s motion seeks relief under Federal Rule of Civil Procedure 60, asserting that this court either erred or abused its discretion by: (1) “applying the legal standard for [plaintiff’s] complaint”; (2) “not allowing Plaintiff to amend and add additional defendants”; (3) “failing to recognize that since the lender did not exist all transfers, assignments etc of Deed of Trust were invalid and all such transfers were forged documents recorded to cloud the title”; (4) “failing to consider recent Ninth Circuit case which equitably tolls the statute of limitations in these wrongful foreclosure actions”; (5) “failing to consider that Plaintiff discovered all of the frauds upon her recent visit to Clark County Records office”; and (6) “dismissing all of Plaintiff’s causes of action” (ECF No. 153 at 3–4).

...

1 **II. Legal Standard**

2 A motion for reconsideration “should not be granted, absent highly unusual
3 circumstances.” *Kona Enters., Inc. v. Estate of Bishop*, 229 F.3d 877, 890 (9th Cir. 2000).
4 Reconsideration is appropriate if the district court “(1) is presented with newly discovered
5 evidence, (2) committed clear error or the initial decision was manifestly unjust, or (3) if there is
6 an intervening change in controlling law.” *Dixon v. Wallowa County*, 336 F.3d 1013, 1022 (9th
7 Cir. 2003); see also Fed. R. Civ. P. 60(b).

8 Federal Rule of Civil Procedure 59(e) “permits a district court to reconsider and amend a
9 previous order”; however, “the rule offers an extraordinary remedy, to be used sparingly in the
10 interests of finality and conservation of judicial resources.” *Carroll v. Nakatani*, 342 F.3d 934,
11 945 (9th Cir. 2003) (internal quotations omitted); see also *Circuit City Stores, Inc. v. Mantor*, 417
12 F.3d 1060, 1064 (9th Cir. 2005) (noting that a motion for reconsideration is analyzed under rule
13 59 if filed within that rule’s deadline). A motion for reconsideration “may not be used to raise
14 arguments . . . for the first time when they could reasonably have been raised earlier in litigation.”
15 *Kona Enters., Inc.*, 229 F.3d at 890.

16 **III. Discussion**

17 The challenged order stated that plaintiff’s proposed amended complaint was so convoluted
18 and non-specific that it risked producing frivolous claims. See (ECF No. 137). Additionally, that
19 order also dismissed plaintiff’s claims as time-barred. See (*id.*).

20 Plaintiff’s motion fails to offer a non-conclusory argument addressing the court’s reasoning
21 for denying the motion to amend the complaint. See (ECF No. 153). Thus, that holding will not
22 be disturbed. See Fed. R. Civ. P. 59.

23 Similarly, the other substantive portion of plaintiff’s motion quotes various cases at length
24 but hardly applies the provided text to this court’s analysis of the applicable statutes of limitation;
25 moreover, plaintiff also fails to show a persuasive reason for the application of equitable tolling in
26 this case. See (ECF No. 153). Therefore, plaintiff is not entitled to relief.

27 ...

28 ...

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

Accordingly,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that plaintiff's motion for reconsideration (ECF No. 153) be, and the same hereby is, DENIED.

DATED April 17, 2017.


UNITED STATES DISTRICT JUDGE