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DISTRICT OF NEVADA

Louis A. Cardinali,

Plaintiff

v.

Plusfour, Inc., et al.,

Defendants

Case No.: 2:16-cv-02046-JAD-NJK

**Order Granting Motion for
Reconsideration, Setting Briefing Schedule,
and Scheduling Hearing**

[ECF No. 211]

In September 2019, I granted summary judgment in favor of defendant Experian Information Solutions, Inc., dismissing Louis Cardinali's claims for violations of the Fair Credit Reporting Act.¹ Because I found that Cardinali's claims failed as a matter of law, I denied as moot multiple pending motions, including Experian's motion for monetary sanctions and to initiate contempt proceedings against Haines & Krieger, LLC; David Krieger; and Haines & Krieger's counsel, Miles N. Clark and Matthew I. Knepper.² Experian moves for partial reconsideration, arguing that my finding was erroneous because a successful summary-judgment ruling does not moot a sanctions motion seeking compensatory damages.³ Haines & Krieger and their counsel do not oppose Experian's motion on the merits; instead, they argue that Experian's motion suffers from supposed technical deficiencies.⁴ Because I find that denying the sanctions motion was clear error, I grant Experian's motion for reconsideration and direct Experian to re-urge its request for sanctions consistent with this order.

¹ ECF No. 208.

² *Id.* at 29–30 (mooting motion for sanctions (ECF No. 190)).

³ ECF No. 211 (motion for reconsideration).

⁴ ECF No. 212 at 4.

1 **Discussion**

2 Under Federal Rule of Civil Procedure 60, a court may “relieve a party or its legal
3 representative from a final judgment, order, or proceeding.”⁵ A motion for reconsideration is
4 generally appropriate when the district court is presented with newly discovered evidence or has
5 committed clear error, or there is an intervening change in controlling law.⁶ “A motion for
6 reconsideration is not an avenue to re-litigate the same issues and arguments;”⁷ instead, a party
7 seeking reconsideration must present “facts or law of a strongly convincing nature” that provide
8 a “valid reason” why reconsideration is appropriate.⁸ Experian argues that I committed clear
9 error when I denied its sanctions motion as moot, instead of addressing the merits of its claims.

10 My 2019 order erroneously denied Experian’s sanctions motion. “Even where one issue
11 in a case has been rendered moot, others may remain.”⁹ As the Ninth Circuit has repeatedly
12 held, a motion for compensatory sanctions, as opposed to coercive sanctions, can survive the end
13 of a dispute.¹⁰ So I vacate my summary judgment order insofar as it improperly mooted
14 Experian’s motion for sanctions and will address that motion on the merits.

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17 ⁵ Fed. R. Civ. P. 60(b).

18 ⁶ *Sch. Dist. No. 1J, Multnomah Cnty., Or. v. ACandS, Inc.*, 5 F.3d 1255, 1263 (9th Cir. 1993).

19 ⁷ *Brown v. Kinross Gold, U.S.A.*, 378 F. Supp. 2d 1280, 1288 (D. Nev. 2005).

20 ⁸ *Frasure v. United States*, 256 F. Supp. 2d 1180, 1183 (D. Nev. 2003).

21 ⁹ *Shell Offshore Inc. v. Greenpeace, Inc.*, 815 F.3d 623, 631 (9th Cir. 2016).

22 ¹⁰ *Id.* at 630 (“[T]he justification for this bright-line distinction between compensatory and
23 coercive contempts arises out of their disparate purposes. Once an injunction has been
terminated, a court may still award compensation to the plaintiff as a result of injuries caused by
its opponent’s contumacy.”); *Trans Int’l Airlines, Inc. v. Int’l Brotherhood of Teamsters*, 650
F.2d 949, 956 (9th Cir. 1980), *amended* (9th Cir. June 2, 1980) (explaining that the “possibility
of compensatory damage liability” arising from “civil[-]contempt adjudication” prevented an
action from becoming moot).

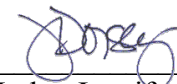
1 But I ask that Experian re-urge its request, given that (1) this case’s posture has changed
2 dramatically since Experian filed its original sanctions motion—the case has been resolved in
3 Experian’s favor; (2) my summary judgment order mooted pending discovery-order objections,
4 which may bear on Experian’s sanctions motion; and (3) the alleged discovery misconduct that
5 Experian identified may have had limited import to the ultimate disposition of this matter. I
6 direct Experian to quantify its request for compensatory sanctions in the motion, with any
7 necessary supporting documentation, so that the parties may address the reasonableness of the
8 sanctions sought. I also ask that the parties refrain from tit-for-tat exchanges regarding H&K and
9 its counsel’s supposed malfeasance—a simple recitation of the supposed misconduct, with a
10 response that either disputes its accuracy or excuses the behavior, will be more useful.

11 **CONCLUSION**

12 IT IS THEREFORE ORDERED that Experian’s motion for partial reconsideration [ECF
13 No. 211] is **GRANTED**. The portion of my September 26, 2019, order denying Experian’s
14 motion for sanctions as moot [ECF No. 208] is **VACATED**.

15 IT IS FURTHER ORDERED that **Experian must file its renewed motion for sanctions**
16 **by April 9, 2021**. Any response and reply must be filed by the deadlines established in Local
17 Rule 7-2(b). **If Experian does not file its motion, its request for sanctions will be deemed**
18 **abandoned and denied with prejudice**.

19 IT IS FURTHER ORDERED that **a hearing on Experian’s motion will be held on**
20 **May 21, 2021, at 10:00 am**.

21 

22 U.S. District Judge Jennifer A. Dorsey
23 March 25, 2021