

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

BENCHMARK INSURANCE COMPANY,
Plaintiff,
vs.
GL CONSTRUCTION COMPANY; GORDAN LEMICH; CERBERUS HOLDINGS, LLC and NORTHERN NEVADA HOMES, LLC,
Defendants.

3:14-cv-00326-RCJ-VPC

ORDER

Pending before the Court is G.L. Construction (“G.L”) and Gordon Lemich’s (“Lemich”) Motion for Reconsideration. (ECF No. 59). This is the second motion for reconsideration that G.L. and Lemich have filed requesting that the Court revisit its October 29, 2014 Order, (ECF No. 36), in which the Court denied their request for summary judgment on whether Benchmark had a duty to defend G.L. in an underlying lawsuit. On November 5, 2014, G.L. and Lemich filed their first objection to the denial summary judgment. The Court considered that motion and denied it on January 9, 2015. (ECF No. 56). G.L. and Lemich now move for the Court to reconsider its January 9, 2015 ruling and to again revisit the initial denial of summary judgment.

Reconsideration is appropriate if the Court “(1) is presented with newly discovered evidence, (2) committed clear error or the initial decision was manifestly unjust, or (3) if there is an intervening change in controlling law.” *Sch. Dist. No. 1J v. ACandS, Inc.*, 5 F.3d 1255, 1263

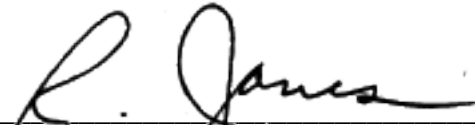
1 (9th Cir. 1993). The Court finds that none of these factors are present as to either the October
2 29, 2014 Order or the January 9, 2015 Order. Therefore, the Motion is denied.

3 **CONCLUSION**

4 IT IS HEREBY ORDERED that G.L. and Lemich's Motion for Reconsideration (ECF
5 No. 59) is DENIED.

6 IT IS SO ORDERED.

7
8 DATED: This 11th day of February, 2015

9
10 
11 _____
12 ROBERT C. JONES
13 United States District Judge
14
15
16
17
18
19
20
21
22
23
24