

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

(1) JOSEPH P. SEAY, D.D.S., MS,)	
(2) LOIS JACOBS, D.D.S., MS,)	
)	
Plaintiffs,)	
v.)	Case No. CIV-17-682 D
)	
(1) OKLAHOMA BOARD OF DENTISTRY,)	
et. al.,)	
)	
Defendants.)	

Case No. CIV-17-682 D

ORDER

Before the Court is Plaintiffs’ Motion to Reconsider the April 21, 2020 Order on Statute of Limitations and Brief in Support [Doc. No. 69], which seeks relief from the Court’s Order granting partial summary judgment to Defendants [Doc. No. 67].¹ Defendants have filed a response [Doc. No. 77], and the matter is fully briefed and at issue.

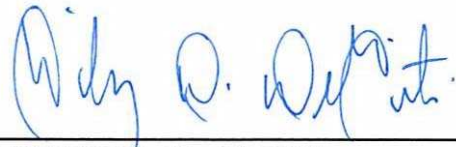
Plaintiffs ask the Court to revisit its April 21, 2020 Order [Doc. No. 67], which granted in part Defendants’ Motion for Summary Judgment [Doc. No 61]. The standard for reconsideration is clear: “Grounds warranting a motion to reconsider include (1) an intervening change in the controlling law, (2) new evidence previously unavailable, and (3) the need to correct clear error or prevent manifest injustice.” *Servants of Paraclete v. Does*, 204 F.3d 1005, 1012 (10th Cir. 2000) (citing *Brumark Corp. v. Samson Resources Corp.*, 57 F.3d 941, 948 (10th Cir. 1995)). “[A] motion for reconsideration is appropriate where the court has misapprehended the facts, a party’s position, or the controlling law. It

¹ The Court will address the supplemental briefing [Doc. Nos. 68, 74, 75] on the outstanding restraint of trade issue in a separate order.

is not appropriate to revisit issues already addressed or advance arguments that could have been raised in prior briefing.” *Servants of Paraclete*, 204 F.3d at 1012; *see United States v. Christy*, 739 F.3d 534, 539 (10th Cir. 2014).

The instant Motion does not provide any grounds to reconsider the April 21, 2020 Order. Plaintiffs assert the Court should reconsider its rulings in light of the 2015, 2018, and 2019 amendments to the Oklahoma Dental Act (“ODA”). Plaintiffs, however, have addressed these amendments in briefs submitted to the Court. Plaintiffs concede this point in the instant Motion. *See* [Doc. No. 69] at 2, 11, 12. The instant Motion does not include an intervening change in the law, new evidence that was previously unavailable, or the need to correct clear error or manifest injustice. Instead, it merely reargues already decided points. Thus, the instant Motion for reconsideration [Doc. No. 69] is DENIED.

IT IS SO ORDERED this 10th day of September, 2020.



TIMOTHY D. DeGIUSTI
Chief United States District Judge