

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
PORTLAND DIVISION

**ROBERTA KELLY and  
D. LAWRENCE OLSTAD,**

Plaintiffs,

v.

**U.S. BANK; BISHOP, WHITE &  
MARSHALL, P.S., a Washington  
Professional Services Company; and  
KRISTA WHITE,**

Defendants.

No. CV 08-1421-AC

OPINION & ORDER

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**U.S. BANK NATIONAL ASSOCIATION,**

Third-party Plaintiff,

**CITY OF PORTLAND, a municipal  
corporation; MORTGAGE ELECTRONIC  
REGISTRATION SYSTEMS, INC., an  
inactive Oregon corporation; CREDIT  
CARD RECEIVABLES FUND  
INCORPORATED, an Ohio corporation dba  
UNIFUND CCR PARTNERS; ZB  
LIMITED PARTNERSHIP, a Delaware  
limited partnership dba UNIFUND CCR  
PARTNERS,**

Third-party Defendants,

**MOSMAN, J.,**

On July 16, 2010, I adopted Magistrate Judge Acosta's Findings and Recommendation

("F&R") (#188) in the above-captioned case and I granted defendant U.S. Bank's Motion for Sanctions (#100), Second Motion for Sanctions (#109), and Third Motion for Sanctions (#155). In response to that Order, plaintiff Roberta Kelly filed a Rejection (#206) along with a declaration requesting that I vacate the Opinion & Order (#202). I construe the Rejection as a motion for reconsideration and I review it accordingly.

### **DISCUSSION**

Reconsideration pursuant to Federal Rule of Civil Procedure 59(e) is appropriate "if (1) the district court is presented with newly discovered evidence, (2) the district court committed clear error or made an initial decision that was manifestly unjust, or (3) there is an intervening change in controlling law." *Zimmerman v. City of Oakland*, 255 F.3d 734, 740 (9th Cir. 2001).

Ms. Kelly does not present new evidence or argue that an intervening change in the law warrants a different decision. Ms. Kelly presumably bases her motion on an argument that this Court committed clear error or made a manifestly unjust decision. I do not find any facts or law to support such a contention. Therefore, Ms. Kelly's Rejection (#206), construed as a motion for reconsideration, is DENIED.

IT IS SO ORDERED.

DATED this 20th day of July, 2010.

/s/ Michael W. Mosman  
MICHAEL W. MOSMAN  
United States District Court