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4 UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

5 GEORGE TERRY LANGLEY,

6 Plaintiff,

7 v.

8 GEICO GENERAL INSURANCE
9 COMPANY,

10 Defendant.

No. 14-CV-3069-SMJ

**ORDER DENYING
DEFENDANT'S MOTION FOR
RECONSIDERATION**

11 Before the Court, without oral argument, is Defendant GEICO's Motion for
12 Reconsideration of the Court's May 26, 2015 Order Granting Plaintiff's Motion
13 for Reconsideration. ECF No. 150. Having reviewed the pleadings and the file in
14 this matter, the Court is fully informed and denies the motion.

15 A motion for reconsideration is "appropriate if the district court (1) is
16 presented with newly discovered evidence, (2) committed clear error or the initial
17 decision was manifestly unjust, or (3) if there is an intervening change in
18 controlling law." *Sch. Dist. No. 1J v. AC&S, Inc.*, 5 F.3d 1255, 1263 (9th Cir.
19 1993). "[A] motion for reconsideration should not be granted, absent highly
20 unusual circumstances." *389 Orange St. Partners v. Arnold*, 179 F.3d 656, 665

1 (9th Cir. 1999). A motion for reconsideration may not be used to raise arguments
2 or present evidence for the first time when they could reasonably have been raised
3 earlier in the litigation. *Id.*; *Kona Enters., Inc. v. Estate of Bishop*, 229 F.3d 877,
4 890 (9th Cir. 2000).

5 Defendant's motion has not met this standard. The Court sufficiently
6 articulated the reasons for granting Plaintiff's Motion to Reconsider in its May 26,
7 2015 Order, and the Court finds no error in its decision. The Court agrees with
8 Defendant that a reasonable basis existed to investigate Plaintiff's claim.
9 However, the Court cannot say that, as a matter of law, the duration or nature of
10 Defendant's investigation was reasonable as well.


11 The record and the pleadings available to the Court when it considered
12 Defendant's motion, as articulated in ECF No. 119, fail to demonstrate there is
13 "no genuine dispute as to any material fact and the movant is entitled to judgment
14 as a matter of law." Fed. R. Civ. P. 56(a). Indeed, Defendant acknowledges that
15 "[t]he facts of the sale and the sale price are very much in dispute," ECF No. 65,
16 and that questions regarding "financing, ownership, [and] insurable interest" are
17 "key issues in this case." ECF No. 132 at 9. The factual uncertainties surrounding
18 these "key" issues demonstrate the movant is not entitled to judgment as a matter
19 of law.

1 Defendant's Motion for Reconsideration asserts there is not "sufficient
2 evidence, argument, or authority, for this Court to now determine that there is not
3 even a 'debatable issue' about GEICO's reasonableness." ECF No. 150 at 8. To
4 the contrary, the Court has found that a variety of issues concerning GEICO's
5 reasonableness are debatable, which is why the original grant of summary
6 judgment was inappropriate and the Court granted Plaintiff's Motion for
7 Reconsideration.

8 Accordingly, **IT IS HEREBY ORDERED:** Defendant's Motion for
9 Reconsideration of the Court's May 26, 2015 Order Granting Plaintiff's Motion
10 for Reconsideration, **ECF No. 150**, is **DENIED**.

11 **IT IS SO ORDERED.** The Clerk's Office is directed to enter this Order
12 and provide copies to all counsel.

13 **DATED** this 7th day of July 2015.

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SALVADOR MENDOZA, JR.
16 United States District Judge
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