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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

LLS AMERICA, LLC,
Debtor,

BRUCE P. KRIEGMAN, solely in his
capacity as court-appointed Chapter 11
Trustee for LLS America, LLC,

Plaintiff,

v.

LAZY M, LLC, et al.,

Defendants.

NO: 2:12-CV-668-RMP

ORDER DENYING DEFENDANT’S
MOTION FOR A NEW TRIAL
AND/OR TO AMEND JUDGMENT

BEFORE THE COURT is Defendant David Perry’s Motion for a New Trial
and/or to Amend Judgment,¹ ECF No. 176. The Court has reviewed the record and
is fully informed.

¹ The Motion most closely resembles a Motion for a New Trial and/or to Amend
Judgment but Perry refers to his Motion as a “Notice of Fraud Before the Court’

1 ANALYSIS

2 Pursuant to FED. R. CIV. P. 59:

3 The court may, on motion, grant a new trial on all or some of the issues--and
4 to any party--as follows:

5 (B) after a nonjury trial, for any reason for which a rehearing has heretofore
6 been granted in a suit in equity in federal court.

7 Following a nonjury trial and upon motion for a new trial, a court may “open the
8 judgment if one has been entered, take additional testimony, amend findings of fact
9 and conclusions of law or make new ones, and direct the entry of a new judgment.”

10 FED. R. CIV. P. 59. “There are three grounds for granting new trials in court-tried
11 actions under Rule 59(a)(2): (1) manifest error of law; (2) manifest error of fact;
12 and (3) newly discovered evidence.” *Brown v. Wright*, 588 F.2d 708, 710 (9th Cir.
13 1978) (citing 6A Moore's Federal Practice P 59.07 at 59-94).

14 In his current motion, Defendant David Perry seeks to re-litigate issues that
15 have already been determined at trial by presenting evidence that was previously
16 before this Court and has already been considered. Defendant’s different
17 interpretations of evidence that have already been considered by this Court are not
18 proper grounds for granting a new trial. He fails to provide this Court with
19 evidence of any error of fact or law or any newly discovered evidence. His claims

20 _____
21 ‘Manifest Injustice’ Motion for New Trial as Necessary for Justice and/or
Amending Judgement.”

1 regarding “manifest injustice” are unpersuasive and this Court finds no good cause
2 to grant a new trial.

3 Accordingly, **IT IS HEREBY ORDERED:**

4 1. Defendant David Perry’s Motion for New Trial and/or to Amend
5 Judgment, **ECF No. 176**, is **DENIED**.

6 The District Court Clerk is directed to enter this Order and provide a copies
7 to counsel.

8 **DATED** this 9th day of December.

9
10 *s/ Rosanna Malouf Peterson*
11 ROSANNA MALOUF PETERSON
12 Chief United States District Court Judge
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