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5 UNITED STATES DISTRICT COURT
6 EASTERN DISTRICT OF WASHINGTON

7 SPARTA INSURANCE, CO; et al.,

8 Plaintiffs,

9 v.

10 BENJAMIN GARFIAS, individual, et
al.,

11 Defendants.

NO: CV-12-5051-RMP

ORDER DENYING MOTION TO
RECONSIDER ORDER ON MOTION
TO COMPEL

12
13 **BEFORE THE COURT** is Plaintiffs' Motion for Reconsideration of Order
14 on Motion to Compel and Objection to Defendants' Application for Attorney Fees.
15 ECF No. 119. The Court has reviewed the motion and response and is fully
16 informed.

17 On October 2, 2013, the Court granted in part Defendants' Motion to
18 Compel Discovery and for Sanctions. ECF No. 113. The Court found that
19 Plaintiffs' discovery responses were sufficiently vague and misleading to warrant
20 granting relief; therefore, the Court allowed limited additional discovery regarding

ORDER DENYING MOTION TO RECONSIDER ORDER ON MOTION TO
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1 Plaintiff Larry Lamberson’s drag racing activities and awarded Defendants fees
2 and costs incurred in bringing the motion. ECF No. 113 at 2, 3.

3 Plaintiffs ask the Court to reconsider this order because of additional
4 evidence that Plaintiffs found in earlier discovery responses. In an expert
5 disclosure served on Defendants on March 7, 2013, ECF No. 120 at 1-2, Dr.
6 Robert Calhoun stated: “The patient reports that he did drive his car at Firebird
7 Raceway. He reportedly did not do any of the mechanical work on his car[,]” ECF
8 No. 120-2 at 2. Plaintiffs claim that Defendants’ motion to compel and for
9 sanctions would have failed in light of this evidence showing that Plaintiff
10 Lamberson disclosed his drag racing activity.

11 Motions for reconsideration serve a limited function. “[T]he major grounds
12 that justify reconsideration involve an intervening change of controlling law, the
13 availability of new evidence, or the need to correct a clear error or prevent manifest
14 injustice.” *Pyramid Lake Paiute Tribe v. Hodel*, 882 F.2d 364, 369 n.5 (9th Cir.
15 1989) (quoting 18 C. Wright, A. Miller & E. Cooper, *Federal Practice and*
16 *Procedure* § 4478 at 790). Such motions are not the proper vehicle for offering
17 evidence or theories of law that were available to the party at the time of the initial
18 ruling. *Fay Corp. v. Bat Holdings I, Inc.*, 651 F. Supp. 307, 309 (W.D. Wash.
19 1987).

1 Plaintiffs have not adequately supported their motion for reconsideration.
2 Dr. Calhoun's report is not newly available to Plaintiffs, nor do Plaintiffs explain
3 why a brief statement in a 183-page expert disclosure, ECF No. 120 at 2, would
4 remedy earlier discovery responses that the Court has found to be vague and
5 misleading.

6 The Court will consider in a separate order Plaintiffs' objection to
7 Defendants' application for attorney fees.

8 Accordingly, **IT IS HEREBY ORDERED** that Plaintiffs' Motion for
9 Reconsideration, **ECF. No. 119**, is **DENIED**.

10 The District Court Clerk is directed to enter this Order and provide copies to
11 counsel.

12 **DATED** this 18th day of November 2013.

13
14 *s/ Rosanna Malouf Peterson*
15 ROSANNA MALOUF PETERSON
16 Chief United States District Court Judge
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