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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

RED LION HOTELS  
FRANCHISING, INC.,  
  
Plaintiff,  
  
v.  
  
CENTURY-OMAHA LAND, LLC.,  
and EDWIN W. LESLIE,  
  
Defendants.

NO: 2:18-CV-0131-TOR  
  
ORDER DENYING DEFENDANT  
LESLIE'S MOTION TO  
RECONSIDER

BEFORE THE COURT is Defendant Edwin W. Leslie's Motion to Reconsider (ECF No. 40). The Motion was submitted for consideration without a request for oral argument. The Court has reviewed the briefing, the record, and files herein, and is fully informed.

A motion for reconsideration of a judgment may be reviewed under either Federal Rule of Civil Procedure 59(e) (motion to alter or amend a judgment) or Rule 60(b) (relief from judgment). *Sch. Dist. No. 1J v. ACandS, Inc.*, 5 F.3d 1255,

ORDER DENYING DEFENDANT LESLIE'S  
MOTION TO RECONSIDER ~ 1

1 1262 (9th Cir. 1993). “Reconsideration is appropriate if the district court (1) is  
2 presented with newly discovered evidence, (2) committed clear error or the initial  
3 decision was manifestly unjust, or (3) if there is an intervening change in  
4 controlling law.” *Id.* at 1263; *United Nat. Ins. Co. v. Spectrum Worldwide, Inc.*,  
5 555 F.3d 772, 780 (9th Cir. 2009). “There may also be other, highly unusual,  
6 circumstances warranting reconsideration.” *School Dist. No. 1J*, 5 F.3d at 1263.

7 Whether to grant a motion for reconsideration is within the sound discretion  
8 of the court. *Navajo Nation v. Confederated Tribes and Bands of the Yakima*  
9 *Indian Nation*, 331 F.3d 1041, 1046 (9th Cir. 2003). A district court does not  
10 abuse its discretion when it disregards legal arguments made for the first time on a  
11 motion to alter or amend a judgment. *United Nat. Ins. Co.*, 555 F.3d at 780  
12 (quotation marks and citations omitted); *Carroll v. Nakatani*, 342 F.3d 934, 945  
13 (9th Cir. 2003) (“A Rule 59(e) motion may not be used to raise arguments or  
14 present evidence for the first time when they could reasonably have been raised  
15 earlier in the litigation.”). Reconsideration is also properly denied when the  
16 movant “present[s] no arguments . . . that had not already been raised” previously.  
17 *Taylor v. Knapp*, 871 F.2d 803, 805 (9th Cir. 1989).

18 Here, Defendant simply repeats his previous argument that the “Arbitrator  
19 failed to cite that his decision was made and decided in accordance with the  
20

1 Washington Fair Franchising Act.” Compare ECF No. 36 at 11 *with* ECF No. 40  
2 at 10.

3 The Motion for Reconsideration is therefore **denied**. *Taylor v. Knapp*, 871  
4 F.2d at 805 (reconsideration is properly denied when the movant “present[s] no  
5 arguments . . . that had not already been raised” previously).

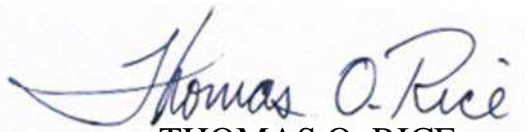
6 **ACCORDINGLY, IT IS HEREBY ORDERED:**

7 Defendant Edwin W. Leslie’s Motion for Reconsideration (ECF No. 40) is  
8 **DENIED**.

9 The District Court Executive is hereby directed to enter this Order, furnish  
10 copies to the parties. The file is to remain closed.

11 **DATED** August 27, 2019.



12   
13 THOMAS O. RICE  
14 Chief United States District Judge