

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Sep 17, 2021

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

GILBERTO GOMEZ GARCIA, as an individual and on behalf of all other similarly situated persons,
JONATHAN GOMEZ RIVERA, as an individual and on behalf of all other similarly situated persons,

No. 2:20-cv-00254-SMJ

**ORDER DENYING PLAINTIFFS’
MOTION FOR
RECONSIDERATION**

Plaintiffs,

v.

STEMILT AG SERVICES LLC,

Defendant.

Before the Court is Plaintiffs’ Rule 54(b) Motion for Reconsideration of Court Order ECF No. 87, ECF No. 173. The Court denies the motion.

Reconsideration is an “extraordinary remedy, to be used sparingly in the interests of finality and conservation of judicial resources.” *Kona Enterprises, Inc. v. Estate of Bishop*, 229 F.3d 877, 890 (9th Cir. 2000). “A district court may properly reconsider its decision if it ‘(1) is presented with newly discovered evidence, (2) committed clear error or the initial decision was manifestly unjust, or (3) if there is an intervening change in controlling law.’” *Smith v. Clark Cnty. Sch.*

1 *Dist.*, 727 F.3d 950, 955 (9th Cir. 2013) (quoting *Sch. Dist. No. 1J*, 5 F.3d at 1263).
2 Courts generally disfavor motions for reconsideration, and they may not be used to
3 present new arguments or evidence that could have been raised earlier. *Fuller v.*
4 *M.G. Jewelry*, 950 F.2d 1437, 1442 (9th Cir.1991).

5 The Court cannot determine that it has committed clear error or that its initial
6 decision was manifestly unjust. Accordingly, **IT IS HEREBY ORDERED:**

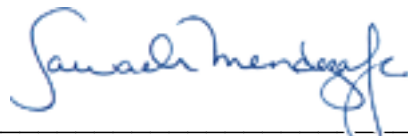
7 **1.** Plaintiffs’ Rule 54(b) Motion for Reconsideration of Court Order ECF
8 No. 87, **ECF No. 173**, is **DENIED**.

9 **A.** However, the Court **AMENDS** the Order at Page 11, Line 11–
10 13 to read “And there is no public *right* to access unfiled
11 discovery. *See Bond v. Ulteras*, 585 F.3d 1061 (7th Cir. 2009).”

12 **B.** The Court notes that nothing in the Court’s Order, ECF No. 87,
13 prevents Plaintiffs from requesting initial *ex parte* or *in camera*
14 review of any request under the Order, as appropriate.

15 **IT IS SO ORDERED.** The Clerk’s Office is directed to enter this Order and
16 provide copies to all counsel.

17 **DATED** this 17th day of September 2021.

18 

19 _____
20 SALVADOR MENDOZA, JR.
United States District Judge