

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

Apr 01, 2024

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

In re: Agnes Niczyporuk,
Debtor.

No. 2:24-CV-00011-SAB

CHURCH OF THE GARDENS; AGNES
NICZYPORUK; RONALD J.
O'DONNELL,
Appellants,
v.
KEVIN D. O'ROURKE, Chapter 7
Trustee; UST-UNITED STATES
TRUSTEE, SPOKANE,
Appellees.

**ORDER DENYING MOTION
FOR RECONSIDERATION**

Before the Court is Appellants' Motion For Reconsideration of Order Denying Motion to Transfer Appeals to the United States District Court for the Eastern District of Washington, ECF No. 9. The motion was heard without oral argument. Appellants are represented by Scott E. Stafne.

On February 14, 2024, the Court denied Appellants' Motion to Transfer Appeals to the United States District Court for the Eastern District of Washington, ECF No. 8. Appellants now move the Court to reconsider that decision.

ORDER DENYING MOTION FOR RECONSIDERATION ~ 1

1 **Motion Standard**

2 Motions for reconsideration is “an extraordinary remedy, to be used
3 sparingly in the interests of finality and conservation of judicial resources.” *Kona*
4 *Enters., Inc. v. Estate of Bishop*, 229 F.3d 877, 890 (9th Cir. 2000) (quotation
5 omitted). A motion for reconsideration should not be granted “unless the district
6 court is presented with newly discovered evidence, committed clear error, or if
7 there is an intervening change in the controlling law.” *389 Orange St. Partners v.*
8 *Arnold*, 179 F.3d 656, 665 (9th Cir. 1999).

9 **Analysis**

10 In their motion, Appellants assert that the Court should grant their motion at
11 least until the BAP rules on Appellants’ motion to reconsider its Order denying
12 transfer to this Court. On March 8, 2024, the BAP denied Appellants’ motion to
13 reconsider its denial of the transfer motions. That said, Appellants have not met the
14 standard for granting the motion for reconsideration before this Court as well.

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

16 1. Appellants’ Motion For Reconsideration of Order Denying Motion to
17 Transfer Appeals to the United States District Court for the Eastern District of
18 Washington, ECF No. 9, is **DENIED**.

19 **IT IS SO ORDERED.** The District Court Clerk is hereby directed to enter
20 this Order and provide copies to counsel.

21 **DATED** this 1st day of April 2024.



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27 Stanley A. Bastian
28 Chief United States District Judge