

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

Feb 08, 2016

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

PASCO SANITARY LANDFILL
NPL SITE INDUSTRIAL WASTE
AREA GENERATOR GROUP III,

Plaintiff,

v.

BASIN DISPOSAL, INC., et al.,

Defendant.

No. 4:15-CV-5022-SMJ

**ORDER DENYING PLAINTIFF'S
MOTION FOR
RECONSIDERATION**

Before the Court, without oral argument, is Plaintiff Pasco Sanitary Landfill NPL Site Industrial Waste Area Generator Group III's (IWAG III) Motion for Reconsideration of the Court's November 16, 2015 Order Granting Defendant's Motion to Dismiss (ECF No. 143). ECF No. 145. Having reviewed the pleadings and the file in this matter, the Court is fully informed and denies the motion.

Motions for reconsideration are disfavored. A motion for reconsideration is only appropriate if the district court (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." *Sch. Dist. No. 1J v. AC&S, Inc.*, 5 F.3d 1255, 1263 (9th Cir. 1993). "[A] motion for reconsideration should not

1 be granted, absent highly unusual circumstances.” *389 Orange St. Partners v.*
2 *Arnold*, 179 F.3d 656, 665 (9th Cir. 1999). A motion for reconsideration may not
3 be used to raise arguments or present evidence for the first time when they could
4 reasonably have been raised earlier in the litigation. *Id.*; *Kona Enters., Inc. v. Estate*
5 *of Bishop*, 229 F.3d 877, 890 (9th Cir. 2000).

6 After reviewing the pleadings, the record in this matter, and applicable
7 authority, the Court is fully informed and finds that Plaintiff has not met this
8 standard. The Court sufficiently addressed Plaintiff’s legal arguments in its
9 November 16, 2015 Order, and the Court does not find error in its decision.

10 Plaintiff takes issue with the Court’s interpretation of a case referenced in a
11 footnote. The case, which is not binding authority on this Court, was not dispositive,
12 nor was it essential to the Court’s ultimate holding in this case.

13 Rather than satisfy its standard, IWAG III criticizes the Court for coming out
14 in a way unfavorable to them and simply repackages the same arguments that were
15 before the Court and properly dismissed.


16 The Motion is denied.

17 Accordingly, **IT IS HEREBY ORDERED**: Pasco Sanitary Landfill NPL
18 Site Industrial Waste Area Generator Group III’s Motion for Reconsideration, **ECF**
19 **No. 145**, is **DENIED**.

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

DATED this 8th day of February 2016.



SALVADOR MENDOCZA, JR.
United States District Judge