

1  
2  
3  
4  
5 UNITED STATES DISTRICT COURT  
6 EASTERN DISTRICT OF WASHINGTON

7 BERYL ANN WRIGHT,

8 Plaintiff,

9 v.

10 JPMORGAN CHASE BANK, N.A.;  
11 MTGLQ INVESTORS, L.P.;  
12 QUALITY LOAN SERVICE CORP  
13 OF WASHINGTON; SHELLPOINT  
14 MORTGAGE SERVICING, LLC;  
15 AND DOES 1-X,

16 Defendants.

No. 4:16-CV-5155-EFS

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

17 Before the Court, without oral argument, is Plaintiff Beryl Ann  
18 Wright's "Motion for Reconsideration and Relief from Order Denying  
19 Remand, TRO, Prelim. Inj; Motion to Amend Complaint; Motion for Time;  
20 Motion to Stay 2/10/17 Sale", ECF No. 36. The Court has previously  
21 addressed the Motion to Amend and Motion for Time portions of the  
22 motion. ECF Nos. 46 & 56. The Court now addresses the final remaining  
23 portion of that Motion, the Motion to Reconsider. Ms. Wright moves the  
24 Court to reconsider its February 2, 2017 Order Denying Plaintiff's  
25 Motion to Remand and for Emergency Temporary Restraining Order and  
26 Preliminary Injunction, ECF No. 30. Defendant JP Morgan Chase Bank  
(Chase) has filed a memorandum in opposition to the Motion to

1 Reconsider. ECF No. 49. Having reviewed the pleadings and the file in  
2 this matter, the Court is fully informed and denies the Motion.

3 As an initial matter, Defendant Quality Loan Services of  
4 Washington has informed the Court that all prior Trustee's Sales for  
5 the property at issue have been cancelled and there is no Trustee's  
6 Sale currently pending. ECF Nos. 33 & 34. Accordingly, Ms. Wright's  
7 Motion for Reconsideration of her prior request for injunctive relief  
8 is denied as moot. To the extent a new Trustee's Sale could be  
9 scheduled, the Court finds that reconsideration of its prior order  
10 denying injunctive relief would be inappropriate.

11 A motion for reconsideration is "appropriate if the district  
12 court (1) is presented with newly discovered evidence, (2) committed  
13 clear error or the initial decision was manifestly unjust, or (3) if  
14 there is an intervening change in controlling law." *Sch. Dist. No. 1J*  
15 *v. ACandS, Inc.*, 5 F.3d 1255, 1263 (9th Cir. 1993). "[A] motion for  
16 reconsideration should not be granted, absent highly unusual  
17 circumstances." *389 Orange St. Partners v. Arnold*, 179 F.3d 656, 665  
18 (9th Cir. 1999). A motion for reconsideration may not be used to  
19 raise arguments or present evidence for the first time when they could  
20 reasonably have been raised earlier in the litigation. *Id.*; *Kona*  
21 *Enters., Inc. v. Estate of Bishop*, 229 F.3d 877, 890 (9th Cir. 2000).

22 After reviewing the pleadings, the record in this matter, and  
23 applicable authority, the Court is fully informed and finds that  
24 Plaintiff has not met the standard for reconsideration. Plaintiff has  
25 merely reasserted prior arguments, and has not presented any new  
26

1 evidence, indicated how the prior ruling was in error, or noted any  
2 change in controlling law.

3 Furthermore, Plaintiff's assertions in her pleadings still do  
4 not demonstrate to the Court that remand or injunctive relief is  
5 justified. The appropriateness of remand to state court is based on  
6 the substance of the complaint when it was filed. Although Ms.  
7 Wright's claim has evolved somewhat through subsequent pleadings, the  
8 Court continues to find that, based on her complaint, subject matter  
9 jurisdiction exists in this Court. *See Sparta Surgical Corp. v. Nat'l*  
10 *Ass'n of Sec. Dealers Inc.*, 159 F.3d 1209, 1213 (9th Cir. 1998),  
11 *abrogated on other grounds by Merrill Lynch, Pierce, Fenner & Smith*  
12 *Inc. v. Manning*, 136 S. Ct. 1562 (2016) ("[J]urisdiction must be  
13 analyzed on the basis of the pleadings filed at the time of removal  
14 without reference to subsequent amendments."). In addition, for the  
15 reasons outlined in its previous order, the Court continues to find  
16 that Ms. Wright has failed to demonstrate a likelihood of success on  
17 the merits, as required for injunctive relief in the form of a  
18 temporary restraining order or a preliminary injunction.

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

- 20 **1.** Plaintiff Beryl Ann Wright's "Motion for Reconsideration  
21 and Relief from Order Denying Remand, TRO, Prelim. Inj;  
22 Motion to Amend Complaint; Motion for Time; Motion to Stay  
23 2/10/17 Sale," **ECF No. 36**, is **DENIED IN PART** as to the  
24 Motion to Reconsider.
- 25 **2.** As all portions of the Motion have now been addressed, no  
26 part of ECF No. 36 remains as a pending motion.

1           **IT IS SO ORDERED.**   The Clerk's Office is directed to enter this  
2 Order and provide copies to Plaintiff and all counsel.

3           **DATED** this   20<sup>th</sup>   day of March 2017.

4  
5                                       s/Edward F. Shea  
6                                       -----  
7                                       EDWARD F. SHEA  
8                                       Senior United States District Judge  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26