UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

THEODORE HEINEMANN, Plaintiff, v. UNITED CONTINENTAL AIRLINES, Defendant.	CASE NO. 2:11-CV-00002-MJP ORDER ON MOTION FOR RECONSIDERATION

The Court is in receipt of Plaintiff's "Motion to amend summery [*sic*] judgment of suit to the 9th district court of appeals in Seattle Washington." Dkt. No. 39. Plaintiff cites to FRCP 59(d) which is directed at requests for a new trial. Since Plaintiff's claims were dismissed on summary judgment there was no trial in his matter, so the Court will treat his motion as a motion for reconsideration of the summary judgment ruling (Dkt. No. 37) pursuant to LR 7(h).

IT IS ORDERED that Plaintiff's motion for reconsideration is DENIED.

"Motions for reconsideration are disfavored. The Court will ordinarily deny such motions in the absence of a showing of manifest error in the prior ruling or a showing of new

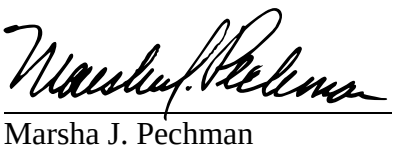
facts or legal authority which could not have been brought to its attention earlier with reasonable diligence." LR 7(h).

Plaintiff's motion appears to allege the existence of evidence proving that he suffered injuries after disembarking the flight on which the incidents at issue occurred. Since the "Fire Run Report" submitted as an attachment (and which Plaintiff cites as proof of his injuries) clearly states "[U]pon arrival RP states he just needs to takes his meds, no injury or illness," (Id. at 6), the Court is at a loss to understand how the evidence corroborates Plaintiff's claim. But even if it somehow did support his allegations, he makes no showing as to why he could not have produced this evidence in conjunction with his responsive pleadings to Defendant's summary judgment motion. These are not "new facts… which could not have been brought to [the Court's] attention earlier with reasonable diligence."

The motion for reconsideration will be DENIED.

The clerk is ordered to provide copies of this order to all counsel.

Dated this _15th_ day of June, 2011.



Marsha J. Pechman
United States District Judge