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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

MATTHEW JAMES LINDSAY, ESQ.,	)	
	)	CASE NO. C17-0354RSM
Plaintiff,	)	
	)	
v.	)	ORDER DENYING MOTION FOR
	)	RECONSIDERATION
KEY BANK NATIONAL	)	
ASSOCIATION, <i>et al.</i> ,	)	
	)	
Defendants.	)	

THIS MATTER comes before the Court on Plaintiff’s Motion for Reconsideration of this Court’s prior Order dismissing his case. Dkt. #19. Relying on Federal Rule of Civil Procedure 54(b) and legal authority from the Second Circuit Court of Appeals and the Northern District of Illinois, Plaintiff appears to argue that this Court should revisit its earlier decision that the probate exception precludes jurisdiction in this Court over Plaintiff’s claims. *Id.* For the reasons discussed below, the motion is DENIED.

“Motions for reconsideration are disfavored.” LCR 7(h). “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.” LCR 7(h)(1). In this case, Plaintiff fails to meet either showing.

1 First, Plaintiff's reliance on Rule 54(b) is misplaced. That Rule applies to cases where  
2 there are multiple claims and/or parties and the Court has resolved only some of the claims,  
3 leaving others remaining to be litigated. Fed. R. Civ. Pro. In such cases, Rule 54(b) allows  
4 federal courts to enter partial judgment on the resolved claims, leaving the unresolved claims to  
5 proceed in litigation. Fed. R. Civ. Pro. 54(b). In this case, all claims have been resolved, and  
6 the case has been dismissed in its entirety. Dkts. #17 and #18. Thus, Rule 54(b) is  
7 inapplicable. In any event, Local Civil Rule 7(h) sets forth the applicable standard for motions  
8 for reconsideration in this Court.  
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10 Likewise, Plaintiff's reliance on an Order issued out of the Northern District of Illinois  
11 is also misplaced. Dkt. #19, Attachment (cited by Plaintiff as Exhibit 99). In that case,  
12 *Bleecker v. Krantz*, Case No. C05-7309RWG (N.D. Ill. Sept. 26, 2006), the plaintiff had filed a  
13 complaint seeking to remove the defendant as a trustee, to prohibit a relative or other insider  
14 friend of defendant from serving as his successor, and to appoint a neutral third party approved  
15 by the court as trustee. Dkt. #19, Attachment. The case had been brought in federal court  
16 under diversity jurisdiction, and the defendant had moved to dismiss for lack of jurisdiction  
17 based on the probate exception and based on the failure to meet the minimum amount in  
18 controversy. *Id.* The Court denied the motion to dismiss. With respect to the probate  
19 exception, the court found that because the plaintiff had made claims for breaches of fiduciary  
20 duty, the claims fell outside of the probate exception. *Id.* However, the court went on to  
21 explain that simply because the claims were outside the probate exception, the plaintiff was still  
22 required to establish diversity as a basis of jurisdiction. *Id.* The court then determined that  
23 diversity jurisdiction had been established, and denied the motion to dismiss. *Id.*  
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1           Setting aside the fact that the *Blecker* case is not controlling authority in this District,  
2 and that Plaintiff has failed to demonstrate why that authority could not have been brought to  
3 the Court's attention earlier with reasonable diligence, the instant matter is distinguishable.  
4 Here, this Court found not only that Plaintiff's claims fell within the probate exception, but that  
5 Plaintiff failed to demonstrate diversity jurisdiction. Dkt. #17. Indeed, Plaintiff had  
6 specifically stated that he would not dismiss the non-diverse parties from the action. Dkts. #13  
7 and #17 at 3. The Court also noted that Plaintiff had failed to adequately plead any breach of  
8 fiduciary duty claims. Dkt. #17 at 4-5.

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10           Accordingly, the Court finds that Plaintiff presents no persuasive argument that this  
11 Court committed manifest error in its prior Order, nor any new facts or legal authority which  
12 could not have been brought to the Court's attention earlier without reasonable diligence. For  
13 these reasons, his motion for reconsideration (Dkt. #19) is DENIED.  
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15           DATED this 7 day of June, 2017.

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19           RICARDO S. MARTINEZ  
20           CHIEF UNITED STATES DISTRICT JUDGE