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HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

ROLANDO HERNANDEZ,

Plaintiff,

v.

CITY OF VANCOUVER and MARK  
TANNINEN,

Defendants.

Case No. C04-5539 RBL

ORDER DENYING DEFENDANT'S  
MOTION FOR RECONSIDERATION  
[Dkt. #159]

THIS MATTER is before the Court on Defendant's Motion for Reconsideration [Dkt. #159] of the Court's Order [Dkt. #158] Denying the Defendant's Motion to compel [Dkt. #148]. Defendant argues that the Court failed to determine whether Plaintiff had met his burden of demonstrating that each of the documents at issue was protected by the attorney-client privilege. The Court has reviewed and considered the Motion.

Under Local Rule 7, Motions for Reconsideration are disfavored, and will ordinarily be denied absent a showing of manifest error, or a new factual or legal basis which could not have been raised earlier. Local Rule 7(h). The documents listed in the Motion for Reconsideration (and reviewed by the Court) are ALL unremarkable fax cover sheets enclosing documents from Ferguson to Boothe. None mention Tanninen or touch in any way on the conspiracy claim. They appear to be the effort of Plaintiff's former attorney to

1 provide work product to the Plaintiff's new attorney, without comment. They are not subject to the attorney-  
2 client privilege waiver as described by the 9<sup>th</sup> Circuit.

3 The Rule 7 standard has not been met in this case, and the Court will not Reconsider its prior ruling.  
4 The Motion for Reconsideration is DENIED.

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6 **IT IS SO ORDERED.**

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8 Dated this 22<sup>nd</sup> day of December, 2010.

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11 RONALD B. LEIGHTON  
12 UNITED STATES DISTRICT JUDGE  
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