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3 UNITED STATES DISTRICT COURT  
4 WESTERN DISTRICT OF WASHINGTON  
5 AT TACOMA

6 UNITED STATES OF AMERICA,

7 Plaintiff,

8 v.

9 DANIEL HAINES, et al.,

10 Defendants.

CASE NO. 3:13-cv-5082-BHS

ORDER DENYING  
DEFENDANT'S MOTION FOR  
RECONSIDERATION

11  
12 This matter comes before the Court on Defendant Daniel Haines's ("Haines")  
13 motion for reconsideration (Dkt. 39) of this Court's order denying his motion to dismiss  
14 (Dkt. 37). The Court has considered the pleadings filed in support of the motion and the  
15 remainder of the file and hereby denies the motion for the reasons stated herein.

16 **I. PROCEDURAL HISTORY**

17 On February 13, 2013, Plaintiff the United States of America ("Government")  
18 filed a complaint against Haines, Yoshiko Haines, Tradewind Investments, and Pierce  
19 County. Dkt. 1. The Government brought this action to reduce to judgment the  
20 outstanding federal tax liabilities assessed against Haines, totaling \$799,096.38, and to  
21 foreclose federal tax liens upon certain real property of Haines. *Id.* at 1 and 3-5.  
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1 On March, 28, 2013, Pierce County entered into a stipulation of priority between  
2 the Government and Pierce County, which has an interest arising from Haines's unpaid  
3 property taxes in the property that is the subject of this suit. *See* Dkt. 14. In the  
4 stipulation, the parties agree that Pierce County's interests in the property taxes are  
5 protected and therefore there is no reason for it to further participate with respect to the  
6 claims involving those taxes. *Id.* On June 26, 2013, the Court ordered default judgment  
7 against Yoshiko Haines, thus terminating her from the action. Dkt. 36.

8 On April 26, 2013, Haines filed a motion to dismiss. Dkt. 21. On May 9, 2013,  
9 the Government responded in opposition. Dkt. 26. Haines did not file a reply brief. On  
10 July 15, 2013, Haines filed a motion for reconsideration. Dkt. 39.

## 11 II. DISCUSSION

### 12 A. Motion for Reconsideration Standard

13 Motions for reconsideration are governed by Local Rule CR 7(h), which provides  
14 as follows:

15 Motions for reconsideration are disfavored. The court will ordinarily  
16 deny such motions in the absence of a showing of manifest error in the  
17 prior ruling or a showing of new facts or legal authority which could not  
18 have been brought to its attention earlier with reasonable diligence.

19 Local Rule CR 7(h)(1).

20 In this case, although Haines does not cite to the rule governing motions for  
21 reconsideration, he seems to argue that the Court committed a manifest error of law in  
22 concluding that his motion to dismiss should be denied because, under the requirements  
of Fed. R. Civ. P. 12(b)(1), the Government failed to submit an affidavit in opposition to

1 his motion. *See* Dkt. 39 at 1-2. Therefore, he maintains that the Government submitted  
2 no evidence supporting its position that Haines’s motion to dismiss should be denied, and  
3 the Court improperly relied on statements of counsel in the Government’s response,  
4 which are not evidence. *Id.* at 1-2.

5         The resolution of Haines’s motion did not depend entirely on external evidence.  
6 The Court’s conclusion about Haines’s argument that the IRS does not exist or lacks  
7 authority outside the District of Columbia was resolved as a matter of law, without the  
8 need to resort to any evidence. *See* Dkt. 37 at 4-5. As to evidence submitted in support  
9 of the Government’s position regarding the significant amount Haines owes to the IRS,  
10 the Government, in its response, and the Court, in its order, relied on the declaration of  
11 Revenue Office Steve Baker and attachments thereto (Dkts. 18, 18-1 and 18-2). Dkts. 26  
12 at 3 and 37 at 6-7. It is permissible to rely on relevant evidence already in the record  
13 when responding to a motion, rather than file a duplicative declaration or affidavit with  
14 the same information.

15         Haines also argues that the Court erred in failing to dismiss the Government’s suit  
16 against him because the documents that Haines claims satisfied, discharged or settled his  
17 debts owed to the IRS constitute “tender” and “payment” pursuant to provisions of the  
18 Washington’s Uniform Federal Lien Registration Act (“Act”) and the Uniform  
19 Commercial Code (“UCC”). Dkt. 39 at 2. The Court finds that neither the cited  
20 provisions of the Act nor the UCC alter its prior conclusion. For the same reasons that  
21 the Court found frivolous Haines’s earlier arguments based on the same documents  
22 purporting to satisfy, discharge or settle the debt with the IRS, it finds his present

1 arguments frivolous. *See* Dkt. 37 at 5-7. As was implicit in its prior order, the Court  
2 rejects those documents as ones that satisfy, discharge or settle Haines's debt to the IRS.  
3 *Id.* Haines's apparent contention that the Court, as a "party," is supposed to "refuse[]"  
4 the documents as "tender of payment" by returning them to the sender pursuant to the Act  
5 or the terms of the UCC is non-sensical. Dkt. 39 at 2. The Court is not a party to this  
6 case, and the documents on file in this lawsuit and are a matter of public record and will  
7 remain so. Moreover, the Court does not have to consider Haines's UCC and Act-based  
8 arguments, as Haines could have raised them with exercise of reasonable diligence by  
9 including them in his motion to dismiss. Prior to his motion to dismiss, Haines had filed  
10 the alleged debt-satisfying documents. *See, e.g.*, Dkts. 15 and 17. The Government put  
11 Haines on clear notice of its position regarding those documents by filing responses to  
12 them, which explicitly rejected them as satisfying, discharging or settling Haines's IRS  
13 debt. *See, e.g.*, Dkts. 15, 17, 18, 18-1 and 18-2.

### 14 III. ORDER

15 Therefore, it is hereby **ORDERED** that Haines's motion for reconsideration (Dkt.  
16 21) is **DENIED**.

17 Dated this 26th day of July, 2013.

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20 BENJAMIN H. SETTLE  
21 United States District Judge  
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