

1 August 18, 2005, a status conference was held and a date was set to proceed to trial. MPLA did not
2 appear at the status conference. On August 19, 2005, MPLA filed a Motion for Reconsideration of
3 the Court's August 5, 2005 decision. During the oral hearing on the motion to reconsider, MPLA
4 sought clarification from the Court on its August 5 order with respect to which funds MPLA should
5 use for payment to Plaintiff and also sought to delay the trial for *inter alia*, conducting discovery and
6 deposing Plaintiff. The court notes that the sole issue at trial is the reasonable rate of interest due
7 to Plaintiff.
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10 Based on MPLA's failure to raise any discovery issues at the August 18, 2005 status
11 conference, the Court now denies MPLA's request to delay the trial for discovery purposes. The
12 Court did, however, grant MPLA a short extension of time to prepare for the trial. During the
13 hearing the Court further denied MPLA's motion for clarification on which funds to use for payment
14 given that it was not within the Court's jurisdiction to direct MPLA to earmark certain funds from
15 certain accounts for payment to Plaintiff. The Court also finds the order unambiguous and not in
16 need of any clarification. The Court took the Motion to Reconsider under advisement and now rules
17 thereon.
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19 II. DISCUSSION

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21 Motions for reconsideration are governed by Rule 59 and are considered an extraordinary
22 measure to be taken at the Court's discretion. *See Yuba Natural Resources, Inc. v. United States*,
23 904 F.2d 1577, 1583 (Fed.Cir.1990). Therefore, any party seeking reconsideration of an order must
24 support the motion by a showing of extraordinary circumstances which justify relief. *See Bally*
25 *Export Corp. v. Balicar, Ltd.*, 804 F.2d 398, 400 (7th Cir.1986)). This showing must be based upon
26 1) a need to correct a clear error or prevent manifest injustice, 2) the availability of new evidence
27 not previously obtainable; or 3) an intervening change of controlling law. *Camacho v J.C. Tenorio*
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1 *Enterprise, Inc.*, 2 N.M.I. at 414 (1992).

2 In its Motion, MPLA fails to cite any new evidence or a change of controlling law. Rather,
3 MPLA argues that reconsideration must be granted to prevent a manifest injustice. In support of its
4 argument, MPLA argues that the basis of the Court's August 5, 2005 decision is incorrect - that
5 MPLA did not have a contract with Plaintiff and the Court "should not take over MPLA's role in
6 the Land Compensation program". MPLA fails to cite any case law supporting its argument. As
7 such, the Court does not find that MPLA meets the difficult burden of showing a "manifest error"
8 as required in a motion for reconsideration, but merely is expressing its displeasure with the Court's
9 August 5, 2005 order.
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12 Finally, in the Court's August 5, 2005 order, the Court incorrectly attributed a motion for
13 sanctions to MPLA. While the Court meant to deny Plaintiff's motion for sanctions, it inadvertently
14 stated that MPLA's motion for sanctions was denied.
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16 **III. CONCLUSION**

17 For the foregoing reasons, MPLA's Motion for Reconsideration is hereby DENIED.
18 MPLA's motion to correct judgment regarding sanctions is hereby GRANTED. The August 5, 2005
19 order should have stated, "Plaintiff's Motion for Sanctions is DENIED".
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22 So ORDERED this 14th day of September 2005.
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24 /s/
25 David A. Wiseman, Associate Judge
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