

IN THE SUPERIOR COURT
FOR THE
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

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MARIANAS ISLANDS

Plaintiff,

v.

MELVIN N. BASA, JEFFREY BASA and,
JERONIMO S. BASA,

Defendant.

Civil Action No. 99-321A

DECISION AND ORDER
DENYING MOTION
FOR RECONSIDERATION

This matter came before the Court on October 27, 1999, at 1:30 p.m. on Plaintiff's motion for reconsideration. Assistant Attorney General James J. Benedetto appeared on behalf of Plaintiff. Basa appeared through his counsel, Michael W. Dotts, Esq. The court, having reviewed the briefs, exhibits, affidavits, and having heard and considered the arguments of counsel, finds and orders as follows.

Although Plaintiff does not cite to any statutory authority, it is presumed that Plaintiff relies on Com. R. Civ. P. 59(e) for the motion for reconsideration. In deciding such motions, the Commonwealth Supreme Court has noted that "the major grounds that justify reconsideration involve an intervening change of controlling law, the availability of new evidence, or the need to correct a clear error or prevent manifest injustice." Camacho v. J.C. Tenorio Enterprises, Inc., 2 N.M.I. 408, 414 (1992). These grounds mirror the test employed by the Ninth Circuit under the [p. 2] CNMI's federal counterpart rule, Fed. R. Civ. P. 59(e). See School District No. 1J, Multnomah County, Oregon v. AcandS, Inc., 5 F.3d 1255, 1263 (9th Cir. 1993). Under federal cases, a motion for reconsideration may not be used to introduce new evidence that could have been produced prior

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to judgment or to offer new legal theories not already presented prior to judgment. See Publishers Resource, Inc. v. Walker-Davis Publications, Inc., 762 F.2d 557, 561 (7th Cir. 1985).

In the case at hand, the court finds that the instant motion does not fall within any of the three grounds set forth above. Plaintiff does not show a change in controlling law or offer any new evidence. Further, Plaintiff fails to establish clear error or manifest injustice. Mere disagreement with the court's decision does not afford Plaintiff the right to reconsideration. Thus, Plaintiff's motion for reconsideration is hereby **DENIED**.

SO ORDERED this 28 day of October 1999.

/s/ Timothy H. Bellas
TIMOTHY H. BELLAS, Associate Judge