

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MARTIN CALVILLO MANRIQUEZ, et
al.,

Plaintiffs,

v.

ELISABETH DEVOS, et al.,
Defendants.

Case No. 17-cv-07210-SK

**ORDER GRANTING LEAVE TO FILE
MOTION FOR PARTIAL
RECONSIDERATION**

Regarding Docket No. 164

On October 24, 2019, this Court issued an order sanctioning Defendants in the amount of \$100,000 for noncompliance with the preliminary injunction entered in this case. (Dkt. 130.) The Court simultaneously ordered Defendants to file monthly compliance reports and tasked the parties with developing a plan for distribution of the sanctions fund to the Plaintiff class members injured by Defendants' conduct. (*Id.*) Plaintiffs now seek leave to file a motion for partial reconsideration of the Court's sanctions order. (Dkt. 164.) They argue that, because Defendants' compliance reports have demonstrated noncompliance with the preliminary injunction far in excess of that originally estimated, the Court should revisit the amount of sanctions imposed on Defendants. (*Id.*)

Pursuant to Civil Local Rule 7-9, a party may move for leave to file a motion for consideration if that party shows "reasonable diligence in bringing the motion and," as relevant here, "[t]he emergence of new material facts" since the time of the original order. The Court's ability to reconsider "any order or other decision, however designated, that adjudicates fewer than all the claims or the rights and liabilities of fewer than all the parties [...]" at any time before the entry of a judgment adjudicating all the claims" is confirmed in Federal Rule of Civil Procedure 54(b). The compliance reports filed by Defendants have introduced new material facts that are directly relevant to the amount of sanctions appropriate to compensate for Defendants' flagrant

1 and continuing violation of the preliminary injunction. Accordingly, the Court HEREBY
2 GRANTS Plaintiffs' motion for leave to file a motion for partial reconsideration. Plaintiffs shall
3 file their motion for partial reconsideration no later than January 8, 2020. Defendants' response
4 shall be due no later than January 15, 2020. Plaintiffs' reply shall be due no later than January 22,
5 2020.

6 **IT IS SO ORDERED.**

7 Dated: January 7, 2020



8 SALLIE KIM
9 United States Magistrate Judge