

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2020-010651

06/07/2023

HONORABLE TIMOTHY J. RYAN

CLERK OF THE COURT
B. Lopez-Mori
Deputy

LAKWOOD ESTATES HOMEOWNERS
ASSOCIATION

QUINTEN T CUPPS

v.

MICHAEL A URBANO

ERNEST COLLINS JR.

CHRISTOPHER L ENOS
JUDGE RYAN

UNDER ADVISEMENT RULING

The Court has considered Defendant's Motion for Reconsiderations, the responses, and the argument of counsel.

Motions for reconsideration are disfavored. *See e.g., Motorola, Inc. v. J.B. Rodgers Mech. Contractors, Inc.*, 215 F.R.D. 581, 582 (D. Ariz. 2003). They are to be granted only in highly unusual circumstances. *See e.g., Carroll v. Nakatani*, 342 F.3d 934, 945 (9th Cir. 2003). A motion for reconsideration will be denied unless there is a showing of new facts or legal authority that, despite reasonable diligence, could not have been brought to the court's attention before its decision. *Motorola*, 215 F.R.D. at 586; *see generally Lemons v. Superior Court*, 141 Ariz. 502, 504, 687 P.2d 1257, 1259 (1984) (stating that the reconsideration of a ruling is warranted only if "new circumstances are demonstrated"). Motions for reconsideration are not to be used to make new arguments or to present new evidence. *Carroll*, 342 F.3d at 945; *Motorola*, 215 F.R.D. at 582; *Brookover v. Roberts Enters., Inc.*, 215 Ariz. 52, 57 n.2, ¶17, 156 P.3d 1157, 1162 n.2 (App. 2007). Nor is a motion for reconsideration to be used to ask the court merely to rethink what it has already thought through, rightly or wrongly. *United States v. Rezzonico*, 32 F.Supp.2d 1112, 1116 (D. Ariz. 1998); *Bryan v. Murphy*, 246 F. Supp. 2d 1256, 1259 (N.D. Ga. 2003) (stating that

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a motion for reconsideration should not be used “to present the court with arguments already heard and dismissed or to repackage familiar arguments to test whether the court will change its mind”). Arguments that the court committed error should be directed to the court of appeals. *See e.g., Defenders of Wildlife v. Browner*, 909 F.Supp. 1342, 1351 (D. Ariz. 1995); *see also Pres. Endangered Areas of Cobb’s History, Inc. v. U.S. Army Corps of Eng’rs*, 916 F. Supp. 1557, 1560 (N.D. Ga. 1995) (recognizing that “[a] motion for reconsideration is not an opportunity for the moving party . . . to instruct the court on how the court ‘could have done it better’ the first time”), *aff’d*, 87 F.3d 1242 (11th Cir. 1996). No circumstances warranting reconsideration exist in this case.

Mere disagreement with a previous order is an insufficient basis for reconsideration. *See Leong v. Hilton Hotels Corp.*, 689 F.Supp. 1572, 1573 (D.Haw.1988).

A motion for reconsideration should not be used merely to ask the Court to rethink its analysis. *See N.W. Acceptance Corp. v. Lynnwood Equip., Inc.*, 841 F.2d 918, 925–26 (9th Cir. 1988); *United States v. Rezzonico Hotels Corp.*, 32 F.Supp.2d 1112, 1116 (D. Ariz. 1998).

Defendants’ arguments are the same arguments this Court has already considered but did not find to be persuasive, given the requirements of what it takes for Plaintiff to overcome the Motions for Summary Judgment. At the end of the analysis the fact remains that the judgment is void. The Court was under the mistaken belief that Plaintiff was seeking a claw back of monies over the entirety of Defendant’s relationship with Plaintiff as a homeowner. The Court understands that is not the case.

IT IS ORDERED denying Defendants’ Motion for Reconsideration.

IT IS FURTHER ORDERED setting aside the Court’s prior ruling that a triable issue of fact exists on the issue of laches, and granting summary judgment in full.