

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2016-014907

08/21/2017

HONORABLE DOUGLAS GERLACH

CLERK OF THE COURT
D Arrieta
Deputy

THE TERRACES AT TIBURON
CONDOMINIUM ASSOCIATION INC

LAUREN A VIE

v.

MARIA A DE SANNA, et al.

JONATHAN A DESSAULES

MINUTE ENTRY

A motion for reconsideration regarding the decision to deny an award of taxable costs was filed on behalf of plaintiff The Terraces at Tiburon Condominium Ass'n, Inc. That denial was prompted because The Terraces' application for costs was unaccompanied by any supporting billing statements, invoices, and the like showing that the requested costs had been incurred. [See Judgment (6/15/17) at 1-2] The motion does not maintain that, given the absence of supporting records, the denial was in error. As such, the motion is not a motion that asks the court to reconsider what it was presented. Instead, the motion presents records (i.e., 10 exhibits) that the court is asked to consider for the first time.

Allowing motions for reconsideration to be treated as opportunities for what amount to "do-overs" promotes inefficiency while increasing the expense of the litigation, which is contrary to what Ariz. R. Civ. P. 1 is intended to accomplish. Thus, motions for reconsideration are not a means by which a party is permitted to submit evidence that could have been offered previously. *See e.g., Carroll v. Nakatani*, 342 F.3d 934, 945 (9th Cir. 2003) (a motion for reconsideration "may not be used to raise arguments or present evidence for the first time when they could reasonably have been raised earlier in the litigation"); *Frederick S. Wyle P.C. v. Texaco, Inc.*, 764 F.2d 604, 609, (9th Cir. 1985) (denial of reconsideration is warranted when the motion relies on evidence that could have been offered before the court's ruling); *see also Cella Barr Assocs., Inc. v. Cohen*, 177 Ariz. 480, 487 n.1, 868 P.2d 1063, 1070 n.1 (App. 1994) (on appeal, evidence

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submitted to the trial court with a motion for reconsideration is not considered); *Brookover v. Roberts Enters., Inc.*, 215 Ariz. 52, 57 n.2, ¶17, 156 P.3d 1157, 1162 n.2 (App. 2007) (same).

The dates on each the exhibits accompanying the motion establish that all of them could have been submitted with the application, and the motion does not attempt to excuse that failure.

IT IS ORDERED denying the Motion for Reconsideration Regarding Court's 06/15/2017 Minute Entry that was submitted on behalf of The Terraces at Tiburon Condominium Ass'n, Inc.