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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Lasse Norgaard-Larsen, et al.,

10 Plaintiffs,

11 v.

12 City of Phoenix, et al.,

13 Defendants.
14

No. CV-20-02467-PHX-GMS

ORDER

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16 Pending before the Court is Defendant City of Scottsdale and City of Phoenix’s
17 (collectively, “Defendants”) Joint Motion for Partial Reconsideration. (Doc. 22.) For the
18 following reasons, the Motion is denied.

19 **BACKGROUND**

20 The facts in this case are set forth in the Order granting in part and denying in part
21 Defendants’ Motion to Dismiss. (Doc. 20.) In that Order, the Court, relying largely on
22 *Bond v. United States*, 564 U.S. 211 (2011), found that the third-party standing doctrine
23 did not bar Plaintiffs’ Property Clause claim. (Doc. 20 at 3–4.) Defendants argue that the
24 Court erred in not finding that the third-party standing doctrine applies.

25 **DISCUSSION**

26 “The Court will ordinarily deny a motion for reconsideration of an Order absent a
27 showing of manifest error or a showing of new facts or legal authority that could not have
28 been brought to its attention earlier with reasonable diligence.” L.R. Civ. P. 7.2(g)(1); *see*

1 also *Sch. Dist. No. 1J, Multnomah Cnty. v. ACandS, Inc.*, 5 F.3d 1255, 1263 (9th Cir. 1993)
2 (noting that motions to reconsider are appropriate only if the Court “(1) is presented with
3 newly discovered evidence, (2) committed clear error or the initial decision was manifestly
4 unjust, or (3) if there is an intervening change in controlling law”), *cert. denied*, 512 U.S.
5 1236; *Motorola, Inc. v. J.B. Rodgers Mech. Contractors, Inc.*, 215 F.R.D. 581, 586
6 (D. Ariz. 2003) (holding that a motion for reconsideration is appropriate only when there
7 is newly-discovered fact or law, newly-occurring facts, a material change in the law, or
8 upon a convincing showing that the Court failed to consider material facts that were
9 presented before the initial decision). A motion for reconsideration is an inappropriate
10 vehicle to ask the Court to “rethink what the court has already thought through—rightly or
11 wrongly.” See *United States v. Rezzonico*, 32 F. Supp. 2d 1112, 1116 (D. Ariz. 1998)
12 (quoting *Above the Belt, Inc. v. Mel Bohannan Roofing, Inc.*, 99 F.R.D. 99, 101 (E.D. Va.
13 1983)). “Arguments that a court was in error on the issues it considered should be directed
14 to the court of appeals.” *Def. of Wildlife v. Browner*, 909 F. Supp. 1342, 1351 (D. Ariz.
15 1995) (quoting *Refrigeration Sales Co., Inc. v. Mitchell-Jackson, Inc.*, 605 F. Supp. 6, 7
16 (N.D. Ill. 1983)).

17 Defendants contend that the Court’s application of *Bond* is erroneous because *Bond*
18 is limited to challenges under the Tenth Amendment and because the Property Clause was
19 not intended to protect individual liberty. However, this is a motion to dismiss in which
20 Plaintiffs assert that their personal rights and enjoyments in Papago Park have been affected
21 by the City’s violation of a lease provision with the federal government. At least at a
22 motion to dismiss stage, especially when Plaintiffs’ complaint is read broadly, it is not
23 possible for this Court to conclude that *Bond* is inapplicable. Furthermore, it is not clearly
24 erroneous or manifestly unjust to find that the Supreme Court’s broad assertion that an
25 “individual, in a proper case, can assert injury from governmental action taken in excess of
26 the authority that federalism defines” might apply where a state allegedly interferes with
27 the federal government’s plenary authority over its property that has a direct effect on that
28 citizen. *Bond*, 564 U.S. at 220. Defendants’ disagreement with the Court’s determination

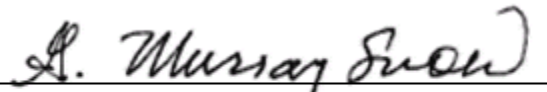
1 about the potential scope of *Bond* is an appropriate issue for summary judgment or perhaps
2 for appeal, not a motion for reconsideration of a motion to dismiss.

3 **CONCLUSION**

4 For the reasons stated above, the Motion is denied.

5 **IT IS THEREFORE ORDERED** that Defendant City of Scottsdale's and
6 Defendant City of Phoenix's Joint Motion for Partial Reconsideration of Order (Doc 20)
7 (Doc. 22) is **DENIED**.

8 Dated this 13th day of August, 2021.

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11 G. Murray Snow
12 Chief United States District Judge
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