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2 **For Publication**

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5 **IN THE SUPERIOR COURT**
6 **OF THE**
7 **COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS**

8 **ANTONIO CH. CAMACHO,**) **Civil Action No. 04-0238E**
9 **Plaintiff,**)
10 **vs.**) **ORDER DENYING MPLA’S MOTION**
11 **CNMI DEPARTMENT OF PUBLIC**) **TO RECONSIDER**
12 **WORKS and the MARIANAS PUBLIC**)
13 **LANDS AUTHORITY,**)
14 **Defendants.**)

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16 On August 23, 2005, the Court issued an order denying Defendant Marianas Public Lands
17 Authority’s (“MPLA”) Motion to Dismiss. Thereafter MPLA filed a Motion to Reconsider the
18 August 23, 2005 Order. Plaintiff filed an opposition to the Motion. It should be noted that when
19 Plaintiff filed said opposition, he mislabeled the Motion as Civil Action No. 04-022E. In fact, the
20 Civil Action No. for this matter is 04-0238.

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22 **DISCUSSION**

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24 Motions for reconsideration are governed by Commonwealth Rule of Civil Procedure 59(e)
25 and are considered an extraordinary measure to be taken at the Court’s discretion. *See Yuba Natural*
26 *Res., Inc. v. United States*, 904 F.2d 1577, 1583 (Fed.Cir.1990) (interpreting the counterpart Federal
27 Rule of Civil Procedure 59(e)). Therefore, any party seeking reconsideration of an order must
28 support the motion by a showing of extraordinary circumstances which justify relief. *See Bally*

1 *Export Corp. v. Balicar, Ltd.*, 804 F.2d 398, 400 (7th Cir.1986)). This showing must be based upon:
2 (1) a need to correct a clear error or prevent manifest injustice; (2) the availability of new evidence
3 not previously obtainable; or (3) an intervening change of controlling law. *Camacho v J.C. Tenorio*
4 *Enter., Inc.*, 2 N.M.I. 407, 413-14 (1992) (citing C. WRIGHT, ET AL., FEDERAL PRACTICE AND
5 PROCEDURE: JURISDICTION § 4478 (1981)).
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7 In its Motion, MPLA fails to cite any new evidence or a change of controlling law. Rather,
8 MPLA appears to argue that the reconsideration must be granted to prevent a manifest injustice. In
9 support of its argument, MPLA argues, once again, that MPLA is not the proper party to this action
10 and the Court has no jurisdiction because of Plaintiff's failure to exhaust administrative remedies.
11 MPLA further argues that Plaintiff is barred from relief because of the statute of limitations.
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13 Turning first to MPLA's assertion that Plaintiff's recovery is barred by the statute of
14 limitations: a motion for "reconsideration" is limited to a reconsideration or reexamination of the
15 facts and evidence before the Court at the time it issued its ruling. Here, the statute of limitations
16 was never raised until MPLA filed its motion for reconsideration. As such, the statute of limitation
17 will not now be considered as a basis for the Court to overturn its August 23, 2005 Order.
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19 Turning next to MPLA's argument that reconsideration is proper on the basis of improper
20 party and lack of jurisdiction: this argument is the same argument raised and disposed of by the
21 Court in its original ruling. The argument provides nothing new in terms of facts, evidence, or even
22 presentation. As such, the Court does not find that MPLA meets the difficult burden of showing
23 a "manifest error" as required in a motion for reconsideration, but is merely expressing its
24 displeasure with the Court's August 23, 2005 Order.
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27 CONCLUSION

28 For the foregoing reasons, MPLA's Motion for Reconsideration is hereby DENIED.

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So ORDERED this 3rd day of October 2005.

/s/
David A. Wiseman, Associate Judge