

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF CALIFORNIA

Prime Capital, HR v. Mackenzie

Prime Capital · No. 25-cv-570-RSH-SBC · Decided October 7, 2025

SUMMARY

The United States District Court for the Southern District of California denies Prime Capital HR’s motion for reconsideration of an order dismissing the case for lack of personal jurisdiction. The court holds that Plaintiff failed to establish excusable neglect under Federal Rule of Civil Procedure 60(b)(1) and did not satisfy the standards for reconsideration under Rule 59(e).

CASE DETAILS

COURT	United States District Court for the Southern District of California
JURISDICTION	United States District Court for the Southern District of California
DECIDED	October 7, 2025
DOCKET	25-cv-570-RSH-SBC
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved under Federal Rules of Civil Procedure 59(e) and 60(b)(1), and Civil Local Rule 7.1(i)(1), for reconsideration of the court's prior order dismissing the action for lack of personal jurisdiction.
STANDARD OF REVIEW	Reconsideration under Rule 59(e) is an extraordinary remedy available only upon newly discovered evidence, clear error, or an intervening change in controlling law. Relief under Rule 60(b)(1) requires an adequate showing of exceptional circumstances and, for excusable neglect, consideration of prejudice, delay, the reason for delay and its control by the movant, and good faith.
PRECEDENTIAL VALUE	unpublished district court order; nonprecedential
PARTIES	Prime Capital, HR v. Ian Robert Mackenzie, Does 1 through 10

TOPICS

- motion for reconsideration
- personal jurisdiction
- motions to dismiss
- civil procedure
- breach of contract

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Plaintiff was entitled to reconsideration under Federal Rule of Civil Procedure 59(e) based on evidence it had possessed before the court's dismissal order.
2. Whether Plaintiff was entitled to relief under Federal Rule of Civil Procedure 60(b)(1) for mistake, inadvertence, surprise, or excusable neglect.
3. Whether Plaintiff's motion for reconsideration was timely under Civil Local Rule 7.1(i)(1).

HOLDINGS

1. Reconsideration was not warranted because Plaintiff possessed the evidence at least twelve days before the ruling and could have presented it to the court or sought leave to do so; Plaintiff did not establish newly discovered evidence, clear error, or an intervening change in controlling law.
2. Plaintiff was not entitled to relief under Rule 60(b)(1) because it failed to show mistake, inadvertence, surprise, or excusable neglect, and the equitable factors did not support a finding of excusable neglect.
3. The motion was timely under Civil Local Rule 7.1(i)(1).

KEY QUOTATIONS

“Although Rule 59(e) permits a district court to reconsider and amend a previous order, the rule offers an ‘extraordinary remedy, to be used sparingly in the interests of finality and conservation of judicial resources.’” (at 2)

“In the absence of additional detail in the attorney’s declaration, the Court is unable to conclude that the equitable factors favor a finding of excusable neglect.” (at 4-5)

FACTUAL BACKGROUND

Prime Capital, a California corporation, sued Ian Robert Mackenzie, a United Kingdom resident and citizen, after making three loan disbursements totaling \$125,000. Mackenzie allegedly failed to repay the loan and ceased communicating with Prime Capital. In opposing Mackenzie's personal-jurisdiction motion, Prime Capital did not provide adequate support for its assertions concerning Mackenzie's contacts with California and later sought reconsideration based on documents it had omitted or obtained before the court ruled.

PROCEDURAL HISTORY

Prime Capital filed suit on March 10, 2025. Defendant moved to dismiss for lack of personal jurisdiction, and the court granted that motion on June 11, 2025, concluding that the complaint lacked specific, nonconclusory jurisdictional allegations and declining jurisdictional discovery. Plaintiff then moved for reconsideration based primarily on evidence it had either mistakenly omitted or obtained before the dismissal order. The court denied reconsideration.

DISPOSITION

other

CASES CITED

- Kona Enters., Inc. v. Est. of Bishop, 229 F.3d 877, 890 (9th Cir. 2000)
- McDowell v. Calderon, 197 F.3d 1253, 1255 (9th Cir. 1999)
- Carroll v. Nakatani, 342 F.3d 934, 945 (9th Cir. 2003)
- Stevens v. ITT Sys., Inc., 868 F.2d 1040, 1041 n.1 (9th Cir. 1989)
- Bateman v. U.S. Postal Serv., 231 F.3d 1220, 1223-24 (9th Cir. 2000)

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