

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).

OPINION

Prime Capital, HR v. Mackenzie

PER CURIAM.

1 2 3 4 5 6 7 8

9 UNITED STATES DISTRICT COURT

10 SOUTHERN DISTRICT OF CALIFORNIA

11 12 PRIME CAPITAL, HR, Case No.: 25-cv-570-RSH-SBC 13 Plaintiff,

ORDER DENYING PLAINTIFF’S

14 v. MOTION FOR RECONSIDERATION

15 [ECF No. 12]

16 IAN ROBERT MACKENZIE; and

DOES 1 through 10, 17 Defendants. 18 19 20 Pending before the Court is Plaintiff’s motion for reconsideration of the Court’s June 21 11, 2025 order (the “Order”) dismissing the case for lack of personal jurisdiction. ECF No. 22 12. Pursuant to Local Civil Rule 7.1(d)(1), the Court finds this motion appropriate for 23 resolution without oral argument. For the reasons stated below, the Court denies Plaintiff’s 24 motion. 25

I. BACKGROUND

26 Plaintiff Prime Capital HR, a corporation organized under the laws of California, 27 and with a place of business in Escondido, California, filed this lawsuit on March 10, 2025. 28 1 Ian Robert Mackenzie, a resident and citizen of the United Kingdom. Id. ¶10. 2 Subsequently, Plaintiff sent Defendant three loan disbursements in the amounts of \$40,000, 3 \$40,000, and \$45,000, respectively. Id. ¶ 10, Ex. A. After receiving the disbursements, 4 Defendant failed to repay the loan, and ceased communication with Plaintiff regarding 5 payment of the loan. Id. ¶ 14. 6 On April 14, 2025, Defendant filed a motion to dismiss for lack of personal 7 jurisdiction. ECF No. 3. On June 11, 2025, the Court issued the Order granting Defendant’s 8 motion. ECF No. 8. The

Court determined that the Complaint contained “no allegations 9 specifically relating to personal jurisdiction over Defendant,” as well as no non-conclusory 10 allegations “regarding events occurring within the State of California or within the 11 Southern District of California.” Id. at 2. The Court further determined that Plaintiff’s 12 opposition brief included various assertions relating to Defendant’s contacts with 13 California, but did not provide support for those assertions. Id. The Court also declined 14 Plaintiff’s request to conduct jurisdictional discovery because “Plaintiff has failed to offer 15 evidence of facts that are presumably within its own possession, and Plaintiff offers no 16 explanation as to how discovery will yield specific relevant facts.” Id. at 5. 17 Plaintiff thereafter moved for reconsideration, and the motion is fully briefed. ECF

18 Nos. 12, 13.

19 II. LEGAL STANDARD

20 Plaintiff’s motion for reconsideration states that it is made pursuant to Rules 59(e) 21 and 60(b) (1) of the Federal Rules of Civil Procedure, as well as Civil Local Rule 7.1(i)(1). 22 ECF No. 12 at 2. 23 “Although Rule 59(e) permits a district court to reconsider and amend a previous 24 order, the rule offers an ‘extraordinary remedy, to be used sparingly in the interests of 25 finality and conservation of judicial resources.’” *Kona Enters., Inc. v. Est. of Bishop*, 229 26 F.3d 877, 890 (9th Cir. 2000). “A motion for reconsideration under Rule 59(e) ‘should not 27 be granted, absent highly unusual circumstances, unless the district court is presented with 28 newly discovered evidence, committed clear error, or if there is an intervening change in 1 the controlling law.’” *McDowell v. Calderon*, 197 F.3d 1253, 1255 (9th Cir. 1999). “A

2 Rule 59(e) motion may not be used to raise arguments or present evidence for the first time 3 when they could reasonably have been raised earlier in the litigation.” *Carroll v. Nakatani*, 4 342 F.3d 934, 945 (9th Cir. 2003).

5 Rule 60(b)(1) allows a court to grant relief from a judgment based on “mistake, 6 inadvertence, surprise, or excusable neglect.” Similar to relief under Rule 59(e), relief 7 under Rule 60(b) is “extraordinary” and applies “only upon an adequate showing of 8 exceptional circumstances.” *Stevens v. ITT Sys., Inc.*, 868 F.2d 1040, 1041 n.1 (9th Cir. 9 1989). In determining whether neglect is excusable, courts consider equitable factors, such 10 as: (1) prejudice to the opposing party; (2) length of delay and its impact; (3) reason for the 11 delay, including whether it was within the movant’s control; and (4) good faith. *Bateman 12 v. U.S. Postal Serv.*, 231 F.3d 1220, 1223–24 (9th Cir. 2000). 13 Finally, Civil Local Rule 7.1(i)(1) provides that motions for reconsideration must be 14 made within 28 days of the entry of the ruling at issue, except as otherwise provided by

15 Rules 59 or 60. Plaintiff’s motion is timely.

16 III. DISCUSSION

17 Plaintiff’s motion is based on its inadvertent failure to submit evidence in opposing 18 Defendant’s motion to dismiss. ECF No. 12 at 9. Specifically, Plaintiff identifies five 19

documents or sets of documents, which Plaintiff describes as Exhibits A through E and 20 now seeks to have the Court consider. Id. at 4–6. Plaintiff states that some of that material 21 was “available” at the time of Plaintiff’s briefing but was “mistakenly excluded due to an oversight in preparing the Opposition to Defendant’s Motion to Dismiss.” Id. at 9. 23 However, Plaintiff did not obtain other portions of the material until May 30, 2025, which 24 was after the motion to dismiss had been fully briefed (but twelve days before the Court’s 25 ruling). ECF No. 12-2 (Robbe Dec.) ¶ 6.1 26 27 1 Plaintiff’s counsel states, “On or about May 30, 2025 I did receive bank statements 28 1 Plaintiff’s motion recites that it is attaching Exhibits A through E for the Court’s 2 consideration, but no exhibits are attached to the motion. ECF No. 12 at 9. The Court is 3 unable to determine from the motion papers precisely which exhibits or portions of exhibits 4 were received by Plaintiff on May 30, 2025, although this appears to include at least the 5 bank statements described as Exhibit A. The Court is also unable to determine from the 6 motion papers whether the documents described as Exhibits A through E would have had 7 some bearing on the Court’s decision to dismiss for lack of personal jurisdiction. 8 Plaintiff’s motion fails to meet the standards of Rule 60(b)(1). For that portion of the 9 evidence that was “available but mistakenly excluded due to an oversight,” Plaintiff does 10 not describe the nature of the oversight, or why Plaintiff failed to correct it in the weeks 11 before the Court ruled. ECF No. 12 at 9. For that portion of the evidence that was obtained 12 by Plaintiff on May 30, 2025, Plaintiff does not explain when he first undertook to obtain 13 that evidence; why he was unable to obtain it earlier; or why, having obtained the evidence, 14 he did not submit it to the Court. The Court is left with the impression that Plaintiff’s 15 approach was to “wait and see” the outcome of the motion to dismiss before putting 16 forward additional relevant evidence. In the absence of additional detail in the attorney’s 17 declaration, the Court is unable to conclude that the equitable factors favor a finding of 18 excusable neglect. 19 // 20 // 21 // 22 // 23 // 24 // 25 // 26 27 establishes jurisdiction in California is proper and justified. Said documents are now being 28 1 Plaintiff’s motion also fails to meet the standards of Rule 59(e). For all of the 2 // evidence at issue, Plaintiff was in possession of that evidence twelve days or more before 3 Court’s ruling, and could have presented that evidence to the Court or sought leave to 4 // do so. 5 Plaintiff has not shown its entitlement to extraordinary relief. The Court declines in 6 // the exercise of its discretion to grant reconsideration or relief under Rules 59(e) or 60(b)(1).

7 CONCLUSION

8 For the above reasons, the Court DENIES Plaintiff’s motion for reconsideration. 9 // ECF No. 12. 10 IT IS SO ORDERED. 11 // Dated: October 7, 2025 fekut c Lowe 13 United States District Judge 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28