

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF OREGON

Christina MacLaren; and Elijah MacLaren v. PHH Mortgage Corporation

MacLaren · No. 1:23-cv-00053-CL · Decided June 12, 2026

SUMMARY

The United States District Court for the District of Oregon denies Plaintiffs Christina MacLaren and Elijah MacLaren’s motions for reconsideration. The court declines to reconsider its discovery rulings under Federal Rule of Civil Procedure 60(b)(2) and rejects reconsideration of its Findings and Recommendation under Rule 60(b)(1) and (6).

CASE DETAILS

COURT	United States District Court for the District of Oregon
WRITING FOR THE COURT	Mark D. Clarke
JURISDICTION	United States District Court for the District of Oregon
DECIDED	June 12, 2026
DOCKET	1:23-cv-00053-CL
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiffs moved for reconsideration of prior discovery orders and of a Findings and Recommendation that partially denied and partially granted defendant's motion for summary judgment. The court denied both motions and referred the Findings and Recommendation to the district court for review without amendment.
STANDARD OF REVIEW	Reconsideration is an extraordinary remedy committed to the court's sound discretion. Relief under Rule 60(b)(1) requires a substantive mistake of law or fact; relief under Rule 60(b)(2) requires newly discovered evidence that existed at the time of trial, could not have been discovered through due diligence, and would likely have changed the disposition; and Rule 60(b)(6) is unavailable when the asserted grounds fall within Rule 60(b)(1) through (b)(5).
PRECEDENTIAL VALUE	unpublished
PARTIES	Christina MacLaren, Elijah MacLaren v. PHH Mortgage Corporation

TOPICS

motion for reconsideration

discovery dispute

sanctions

summary judgment

mortgages

PRACTICE AREAS

civil procedure

real estate

mortgages

QUESTIONS PRESENTED

1. Whether statements made by PHH's chief financial officer constituted newly discovered evidence warranting reconsideration of the court's discovery orders under Rule 60(b)(2).
2. Whether those statements justified reconsidering the denial of discovery sanctions or permitting plaintiffs to depose the chief financial officer.
3. Whether plaintiffs could obtain relief under Rule 60(b)(6) based on alleged overlooked evidence or legal error in the Findings and Recommendation.
4. Whether plaintiffs' disagreement with the Findings and Recommendation established a substantive mistake warranting relief under Rule 60(b)(1).

HOLDINGS

1. The statements did not warrant reconsideration because plaintiffs failed to show that the evidence was of such magnitude that earlier production would likely have changed the court's discovery rulings.
2. Even if the court reconsidered its prior discovery rulings, the CFO's statements did not justify sanctions, an additional deposition, or a different result.
3. Rule 60(b)(6) did not apply because plaintiffs' assertions of overlooked evidence and legal error were based on mistake, a ground specifically covered by Rule 60(b)(1).
4. Plaintiffs did not establish a substantive mistake of law or fact warranting relief under Rule 60(b)(1); disagreement with the court's ruling was insufficient.

KEY QUOTATIONS

“Reconsideration is an “extraordinary remedy, to be used sparingly in the interests of finality and conservation of judicial resources.”” (1)

“Because the proffered statements do not establish that Defendant failed to comply with those orders, the statements are not “of such magnitude” that their earlier production would have been likely to change the Court’s rulings” (3)

“A party may not base a Rule 60(b)(6) motion on any “of the grounds for relief enumerated in clauses (b)(1) through (b)(5).”” (4)

““MJere dissatisfaction with a court’s order or belief that the court is wrong in its decision are not adequate grounds for reconsideration.”” (4)

FACTUAL BACKGROUND

Plaintiffs relied on statements made by PHH's chief financial officer concerning the distinction between mortgage servicing and subservicing and PHH's treatment of loans it owned and serviced for others. Plaintiffs argued that the statements constituted newly discovered evidence supporting reconsideration of discovery rulings and sanctions. They also argued that the court had overlooked evidence or committed legal error in its Findings and Recommendation on PHH's summary-judgment motion.

PROCEDURAL HISTORY

Plaintiffs previously moved to compel discovery, and the court later found that defendant had meaningfully complied with the amended order granting that motion. The court denied plaintiffs' motion for discovery sanctions and related requests to depose defendant's chief financial officer. After defendant moved for summary judgment, the court entered a Findings and Recommendation partially denying and partially granting that motion. Plaintiffs then sought reconsideration under Federal Rule of Civil Procedure 60(b)(2) and 60(b)(6).

DISPOSITION

other

CASES CITED

- Kona Enters., Inc. v. Est. of Bishop, 229 F.3d 877, 890 (9th Cir. 2000)
- Beck v. Metro. Prop. & Cas. Ins. Co., No. 3:13-CV-00879-AC, 2014 WL 4404962, at *4 (D. Or. Sept. 5, 2014)
- Navajo Nation v. Confederated Tribes & Bands of the Yakama Indian Nation, 331 F.3d 1041, 1046 (9th Cir. 2003)
- Marroquin v. City of Los Angeles, 112 F.4th 1204, 1215 (9th Cir. 2024)
- Kemp v. United States, 596 U.S. 528, 533, 535 (2022)
- Liljeberg v. Health Servs. Acquisition Corp., 486 U.S. 847, 863 (1988)
- Jones v. Aero/Chem Corp., 921 F.2d 875, 878 (9th Cir. 1990)
- Maney v. Wings-Yanez, No. 6:13-CV-00981-SI, 2014 WL 5038302, at *2 (D. Or. Oct. 8, 2014), aff'd, 643 F. App'x 616 (9th Cir. 2016)
- Feeley v. Earl, No. 3:17-CV-00649-PK, 2017 WL 6540043, at *1 (D. Or. Aug. 29, 2017)
- Probuilders Specialty Ins. Co. v. Phoenix Contracting, Inc., No. 6:16-CV-00601-AA, 2017 WL 11536055, at *1 (D. Or. May 3, 2017), aff'd, 743 F. App'x 876 (9th Cir. 2018)