

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF GUAM

Ye-Kyoung Kim v. University of Guam, et al.

Kim v. University of Guam · No. 1:23-cv-00026 · Decided March 31, 2026

SUMMARY

The District Court of Guam denied Ye-Kyoung Kim’s motion under Federal Rule of Civil Procedure 59(e) to alter or amend the judgment dismissing her amended Title VII and ADEA claims against the University of Guam and related defendants. The court held that Kim had not shown newly discovered evidence, an intervening change in controlling law, or clear error, and concluded that her case remained dismissed with prejudice.

CASE DETAILS

|                    |                                                                                                                                                                                                                                                                                                                             |
|--------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT              | United States District Court for the District of Guam                                                                                                                                                                                                                                                                       |
| JURISDICTION       | U.S. District Court for the District of Guam                                                                                                                                                                                                                                                                                |
| DECIDED            | March 31, 2026                                                                                                                                                                                                                                                                                                              |
| DOCKET             | 1:23-cv-00026                                                                                                                                                                                                                                                                                                               |
| DISPOSITION        | other                                                                                                                                                                                                                                                                                                                       |
| PROCEDURAL POSTURE | Plaintiff moved under Federal Rule of Civil Procedure 59(e) to alter or amend the judgment, reinstate her complaint, or obtain leave to amend further after the court dismissed her amended employment-discrimination complaint with prejudice. The court denied the motion and left the dismissal with prejudice in place. |
| STANDARD OF REVIEW | A Rule 59(e) motion is an extraordinary remedy and is evaluated under the standards applicable to reconsideration. Relief requires newly discovered evidence, a clearly erroneous original ruling, or an intervening change in controlling law. District courts have considerable discretion in deciding such motions.      |
| PRECEDENTIAL VALUE | district court decision; precedential status not stated                                                                                                                                                                                                                                                                     |

TOPICS

- motion for reconsideration
- motions to dismiss
- employment discrimination
- title vii
- age discrimination

PRACTICE AREAS

- civil procedure
- employment law
- employment discrimination
- title vii
- age discrimination

## QUESTIONS PRESENTED

1. Whether Plaintiff satisfied the standards for altering or amending the judgment under Federal Rule of Civil Procedure 59(e).
2. Whether the court clearly erred or abused its discretion by dismissing Plaintiff's amended complaint with prejudice while permitting amendment in another case involving some of the same defendants.
3. Whether the court mischaracterized its prior ruling as finding Plaintiff's retaliation theory time barred and failed to consider prior acts as background evidence.
4. Whether Plaintiff's renewed arguments concerning the sufficiency and futility of her Title VII and ADEA claims demonstrated clear error.
5. Whether the court was required to consider new factual and legal arguments raised for the first time in Plaintiff's reply brief.

## HOLDINGS

1. The motion to alter or amend judgment was properly denied because Plaintiff presented neither newly discovered evidence nor an intervening change in controlling law and failed to show that the original ruling was clearly erroneous.
2. The court did not abuse its discretion by dismissing Plaintiff's amended complaint with prejudice while allowing amendment in Analista because the cases were not similarly situated and Plaintiff failed to follow the court's amendment instructions.
3. The court did not previously hold that Plaintiff's retaliation theory was time barred; it held that Plaintiff failed to allege administrative exhaustion and sufficient facts establishing a causal connection between prior protected activity and the failure to hire.
4. Reasserting arguments that the court had already considered did not establish clear error or warrant Rule 59(e) relief, and the court continued to deem the proposed amendments futile.
5. The court would not consider Plaintiff's new arguments concerning alleged factual errors and the EEOC position statement because reply briefs are for replying, not for raising new arguments that could have been presented earlier.

## KEY QUOTATIONS

*“A Rule 59(e) motion is an ‘extraordinary remedy, to be used sparingly in the interests of finality and conservation of judicial resources.’” (at 1)*

*“Reply briefs are for replying, not for raising new arguments or arguments that could have been advanced in the opening brief.” (at 10)*

*“The court hereby DENIES Plaintiff's Motion to Alter or Amend Judgment under Rule 59(e). Plaintiff's case, in its entirety, is Dismissed with Prejudice.” (at 10)*

## FACTUAL BACKGROUND

Plaintiff alleged that the University of Guam and individual defendants violated Title VII and the ADEA by rejecting her application for an Assistant Director of Global Learning and Engagement position. After receiving leave to amend and detailed instructions, Plaintiff filed an amended complaint that the court found continued to omit necessary facts, failed to allege administrative exhaustion, and included unauthorized or time-barred claims. Plaintiff's Rule 59(e) motion argued that the court had treated her differently from a plaintiff in another case, misapplied the continuing-violation doctrine, overlooked the sufficiency of her Title VII and ADEA allegations, and misunderstood facts concerning the hiring process and an EEOC position statement.

## PROCEDURAL HISTORY

Plaintiff filed claims under Title VII and the ADEA arising from the University of Guam's rejection of her application for an Assistant Director position. The court dismissed the original complaint in part with leave to amend and gave Plaintiff specific pleading instructions. After Plaintiff filed an amended complaint, the court dismissed it with prejudice for failure to cure pleading deficiencies, failure to allege administrative exhaustion, inclusion of time-barred and unauthorized claims, and failure to plead sufficient facts supporting discrimination and retaliation. Plaintiff then filed the Rule 59(e) motion addressed in this decision.

## DISPOSITION

other

## CASES CITED

- Wood v. Ryan, 759 F.3d 1117, 1121 (9th Cir. 2014) (per curiam)
- Kona Enters., Inc. v. Est. of Bishop, 229 F.3d 877, 890-91 (9th Cir. 2000)
- Kaufmann v. Kijakazi, 32 F.4th 843, 850 (9th Cir. 2022)
- Turner v. Burlington N. Santa Fe R.R. Co., 338 F.3d 1058, 1063 (9th Cir. 2003)
- United States ex rel. Hoggett v. Univ. of Phoenix, 863 F.3d 1105, 1108 (9th Cir. 2017)
- Carvalho v. Equifax Information Servs., LLC, 629 F.3d 876, 892 (9th Cir. 2010)
- Nat'l R.R. Passenger Corp. v. Morgan, 536 U.S. 101 (2002)
- Anderson v. American Airlines, Inc., 2011 WL 1706514, at \*2 (N.D. Cal. May 5, 2011)
- Autotech Techs. Ltd. P'ship v. Automationdirect.com, Inc., 249 F.R.D. 530, 536 (N.D. Ill. 2008)
- United States v. Alhalabi, 443 F.3d 605, 611 (7th Cir. 2006)
- Zamani v. Carnes, 491 F.3d 990, 997 (9th Cir. 2007)
- Koerner v. Grigas, 328 F.3d 1039, 1048 (9th Cir. 2003)
- Analista v. University of Guam, Civil Case No. 24-00027

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