

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ARIZONA

Jon Evans v. Critter Control Operations Incorporated, et al.

Evans · No. CV-22-02049-PHX-JJT · Decided December 3, 2025

SUMMARY

The United States District Court for the District of Arizona denied Jon Evans’s motion for reconsideration of an order denying his request to modify an earlier order dismissing his punitive-damages claim. The court held that the motion was untimely under Local Rule 7.2(g) and that Evans failed to show good cause for the delay, manifest error, or new facts or legal authority warranting reconsideration.

CASE DETAILS

COURT	United States District Court for the District of Arizona
JURISDICTION	United States District Court for the District of Arizona
DECIDED	December 3, 2025
DOCKET	CV-22-02049-PHX-JJT
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved for reconsideration of an interlocutory order denying his prior motion to modify an earlier order that dismissed his punitive-damages claim.
STANDARD OF REVIEW	A motion seeking reconsideration of an interlocutory ruling is evaluated under Federal Rule of Civil Procedure 54(b), as supplemented by District of Arizona Local Rule 7.2(g). Reconsideration ordinarily requires manifest error or new facts or legal authority that could not previously have been presented with reasonable diligence; an untimely motion also requires good cause.
PRECEDENTIAL VALUE	Unknown
PARTIES	Jon Evans v. Critter Control Operations Incorporated, et al.

TOPICS

- motion for reconsideration
- civil procedure
- summary judgment
- damages

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether District of Arizona Local Rule 7.2(g)'s fourteen-day deadline and good-cause requirement supplement and apply to motions for reconsideration of interlocutory orders under Federal Rule of Civil Procedure 54(b).
2. Whether Plaintiff established good cause, manifest error, or newly presented facts or legal authority warranting reconsideration of the denial of his untimely motion to modify.

HOLDINGS

1. District of Arizona Local Rule 7.2(g) supplements Federal Rule of Civil Procedure 54(b), so a party seeking reconsideration of an interlocutory order must comply with the local rule's fourteen-day deadline unless good cause for delay is shown.
2. Plaintiff did not establish good cause for filing his motion to modify outside the fourteen-day period and did not show manifest error, new facts, or new legal authority that could not earlier have been presented with reasonable diligence.

KEY QUOTATIONS

“The Court will ordinarily deny a motion for reconsideration of an Order absent a showing of manifest error or a showing of new facts or legal authority that could not have been brought to its attention earlier with reasonable diligence.” (at 2)

“If the motion is untimely, a party is not permanently obstructed from raising his motion for reconsideration—he must merely show good cause for the delay.” (at 5)

FACTUAL BACKGROUND

The court had dismissed Plaintiff's punitive-damages claim in an earlier order. Plaintiff filed a motion to modify that order 84 days later, relying on Rule 54(b) and the court's inherent authority, but did not comply with Local Rule 7.2(g)'s fourteen-day filing period or establish good cause for the delay. Plaintiff's subsequent motion for reconsideration repeated the same argument that Rule 54(b)'s authorization to reconsider interlocutory orders "at any time" prevented application of the local deadline.

PROCEDURAL HISTORY

The court previously dismissed Plaintiff's punitive-damages claim on July 24, 2025. Eighty-four days later, Plaintiff moved under Federal Rule of Civil Procedure 54(b) and the court's inherent authority to modify that ruling. The court denied that motion as untimely under District of Arizona Local Rule 7.2(g) and for lack of good cause. Plaintiff then moved for reconsideration of that denial, and the court denied the motion.

DISPOSITION

other

CASES CITED

- Sonoma Cty. Ass'n of Retired Emples. v. Sonoma Cty., No. C 09-4432 CW, 2015 U.S. Dist. LEXIS 53081, *9 (N.D. Cal. Apr. 22, 2015)
- FTC v. Noland, No. CV-20-00047-PHX-DWL, 2022 U.S. Dist. LEXIS 55593, at *11 (D. Ariz. Mar. 28, 2022)
- ABS Entm't, Inc. v. CBS Corp., ABS Entertainment, Inc. v. CBS Corporation, 908 F.3d 405, 427 (9th Cir. 2018)
- Dietz v. Bouldin, 579 U.S. 40 (2016)
- City of L.A. v. Santa Monica BayKeeper, 254 F.3d 882, 886 (9th Cir. 2001)
- United States v. Jerry, 487 F.2d 600, 604 (3d Cir. 1973)
- Auto. Indus. Pension Tr. Fund v. Toshiba Corp., No. 24-3888, 2025 LX 360935, at *5 (9th Cir. Aug. 18, 2025)
- In re Stoyas, 734 F. Supp. 3d 1000, 1005 (C.D. Cal. 2024)
- Campillo v. Quintero, No. CV-16-00775-DJH (DMF), 2017 U.S. Dist. LEXIS 1601, at *7-8 (D. Ariz. Jan. 4, 2017)
- Hollingsworth v. Perry, 558 U.S. 183, 191 (2010)
- Fed. Home Loan Mortg. Corp. v. Madison, No. CV-09-1508-PHX-GMS, 2011 U.S. Dist. LEXIS 75253, at *4 (D. Ariz. July 12, 2011)
- Mopecha v. Unknown Romo, No. CV-24-02663-PHX-JAT, 2025 LX 228741, at *3 (D. Ariz. July 21, 2025)
- Pincay v. Andrews, 389 F.3d 853, 860 (9th Cir. 2004)
- Zambrano v. Tustin, 885 F.2d 1473, 1484 (9th Cir. 1989)
- Christian v. Mattel, Inc., 286 F.3d 1118, 1129 (9th Cir. 2002)