

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF RHODE ISLAND

Conservation Law Foundation, Inc. v. Shell Oil Products US, et al.

Conservation Law Foundation · No. C.A. No. 17-396 JJM · Decided March 3, 2026

SUMMARY

The United States District Court for the District of Rhode Island denies Defendants’ motion for reconsideration of the denial of their motion for partial summary judgment. The Court holds that Defendants’ evidence concerning a September 2025 Rhode Island Department of Environmental Management inspection was not newly discovered because Defendants possessed it during the pendency of their motion and failed to timely present it. The Court also states that, in any event, the inspection would not eliminate disputed facts concerning alleged environmental permit violations.

CASE DETAILS

COURT	United States District Court for the District of Rhode Island
WRITING FOR THE COURT	John J. McConnell, Jr.
JURISDICTION	United States District Court for the District of Rhode Island
DECIDED	March 3, 2026
DOCKET	C.A. No. 17-396 JJM
DISPOSITION	other
PROCEDURAL POSTURE	Defendants moved for reconsideration of the court's prior order denying their motion for partial summary judgment.
STANDARD OF REVIEW	A motion for reconsideration is an extraordinary remedy granted sparingly. The moving party must demonstrate a manifest error of law or newly discovered evidence, and reconsideration cannot be used to cure a party's procedural failure or introduce evidence or arguments that could and should have been presented before judgment.
PRECEDENTIAL VALUE	Unknown

TOPICS

- motion for reconsideration
- summary judgment
- civil procedure
- environmental law
- clean water act

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether defendants established a manifest error of law or newly discovered evidence warranting reconsideration of the court's prior denial of partial summary judgment.
2. Whether evidence from the September 2025 RIDEM inspection could be treated as newly discovered when defendants possessed it for several months during the pendency of their summary-judgment motion.
3. Whether the RIDEM inspection independently required reconsideration of the prior summary-judgment ruling.

HOLDINGS

1. Defendants were not entitled to reconsideration because they failed to demonstrate a manifest error of law or qualifying newly discovered evidence and failed to justify their delay in presenting the inspection evidence.
2. The RIDEM inspection evidence was not newly discovered because defendants possessed the evidence for several months while their summary-judgment motion was pending and deliberately or unjustifiably withheld it.
3. Even if considered, the RIDEM inspection would not warrant partial summary judgment because it constituted at most an additional disputed fact.

KEY QUOTATIONS

“a motion for reconsideration does not provide a vehicle for a party to undo its own procedural failures, and it certainly does not allow a party to introduce new evidence or advance arguments that could and should have been presented to the district court prior to the judgment” (Section II)

“Evidence known to a party and deliberately withheld for tactical reasons cannot plausibly be counted as newly discovered.” (Section II)

“At the summary judgment stage, the trial court examines the entire record in the light most flattering to the nonmovant and indulges all reasonable inferences in that party’s favor.” (Section II n.2)

FACTUAL BACKGROUND

The dispute concerns alleged violations of federal environmental law at defendants' Providence Terminal and the meaning of permits governing defendants' conduct, including whether the permits require consideration of climate-change-related adverse impacts. After filing their motion for partial summary judgment, defendants learned of or possessed the results of a September 16, 2025 inspection conducted by environmental engineers employed by the Rhode Island Department of Environmental Management. Defendants waited more than three months to inform the court of the inspection and then sought reconsideration based on the assertedly exculpatory inspection results.

PROCEDURAL HISTORY

Plaintiff brought an action seeking to impose liability on defendants for alleged violations of federal environmental law concerning the Providence Terminal and the permits governing defendants' conduct. The court previously denied defendants' motion for partial summary judgment. Defendants then moved for reconsideration based on a September 16, 2025 inspection by the Rhode Island Department of Environmental Management, but the court denied reconsideration because defendants had delayed presenting the evidence and had not shown manifest error or qualifying newly discovered evidence.

DISPOSITION

other

CASES CITED

- 642 F.3d 87, 91 (1st Cir. 2011)
- 402 F.3d 1, 7 n.2 (1st Cir. 2005)
- 118 F.3d 10, 16 (1st Cir. 1997)
- 507 F.3d 23, 34 (1st Cir. 2007)
- 116 F.3d 957, 959 (1st Cir. 1997)

OPINION

Conservation Law Foundation, Inc. v. Shell Oil Products US, et al.

PER CURIAM.

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

_____)
CONSERVATION LAW)
FOUNDATION, INC.,)
) Plaintiff,)) v.) C.A. No. 17-396 JJM) SHELL OIL PRODUCTS US, et al.,)) Defendants.)
_____)

ORDER

Before the Court is “Defendants’ Motion for Reconsideration of the Court’s Order on their Motion for Partial Summary Judgment” (“Defendants’ Motion”) (ECF No. 304), filed in response to the Court’s recent Memorandum and Order denying Defendants’ Motion for Partial Summary Judgment. ECF No. 301. The Court determines that a hearing is unnecessary. For the foregoing reasons, the Court denies Defendants’ Motion.

I. BACKGROUND

This dispute arises from Plaintiff Conservation Law Foundation’s action against Defendants seeking to impose liability for their alleged violations of federal environmental law. ECF No. 45. The Court’s prior Memorandum and Order provided a comprehensive overview of the pertinent

facts underlying this dispute. ECF No. 301 at 2-8. Specifically, it details the parties' ongoing factual dispute concerning the terms included in the relevant permits governing Defendants' conduct at the Providence Terminal and whether the terms require Defendants to consider a variety of factors related to the adverse impacts created by climate change. The Court incorporates the Memorandum & Order's background facts by reference and only provides the details necessary to its resolution of Defendant's Motion. After the Court's denial of Defendants' Motion for Partial Summary Judgment, Defendants moved for reconsideration based on the supposed existence of "newly discovered evidence." ECF No. 304 at 1-4. Specifically, Defendants contend that — almost two months after they filed their Motion for Partial Summary Judgment — environmental engineers employed by the Rhode Island Department of Environmental Management ("RIDEM") conducted an inspection of the Providence Terminal. Defendants argue that the results RIDEM reached during this September 16, 2025 inspection absolves them of all potential liability and therefore warrants summary judgment in their favor. Specifically, Defendants claim that this inspection led RIDEM to determine that they have not engaged in behavior that violated the relevant permits at issue here. Despite the ostensible magnitude of this development, Defendants failed to supplement their pending Motion for Partial Summary Judgment for over three months. Instead, they waited to inform the Court of this development until they filed the instant motion. Despite their delay, Defendants seek reconsideration based on this factual development.

II. DISCUSSION

A court's decision to grant a motion for reconsideration constitutes an extraordinary remedy. , 642 F.3d 87, 91 (1st Cir. 2011). Based on the nature of this relief, courts should grant litigants' requests for this relief in a sparing manner. To succeed in a motion for reconsideration, moving parties must establish that a manifest error of law has taken place, or they must demonstrate the existence of newly discovered evidence. , 402 F.3d 1, 7 n.2 (1st Cir. 2005). Critically, "a motion for reconsideration does not provide a vehicle for a party to undo its own procedural failures, and it certainly does not allow a party to introduce new evidence or advance arguments that could and should have been presented to the district court prior to the judgment" , 118 F.3d 10, 16 (1st Cir. 1997) (citation modified).¹ The Court's review of the record and the arguments submitted reveal that Defendants have failed to demonstrate their entitlement to reconsideration of the Court's prior Memorandum and Order. Specifically, the Court determines that Defendants have failed to advance a legitimate justification excusing their failure to present their evidence of the September 2025 RIDEM inspection, and its alleged impact, before the Court's resolution of their motion on December 23, 2025. As the procedural history of this dispute demonstrates, Defendants had more than three months to apprise the Court of this development and yet they failed to do so. This delay serves as a canonical example of an unexcused, "procedural failure" and mandates the denial of their motion. , 118 F.3d at 16. Not only does Defendants' impermissible delay constitute a "procedural failure," it also falls outside the

definition of newly discovered evidence. , 507 F.3d 23, 34 (1st Cir. 2007) (rejecting a litigant’s characterization of evidence as newly discovered and determining that “it is clear from the plaintiff’s own admissions that the additional evidence was merely newly proffered, not newly discovered.”) Since Defendants’ possessed evidence of the RIDEM inspection for several months during the pendency of their motion, the Court rejects Defendants’ characterization of this evidence as “newly discovered” and denies their motion on this basis as well. Nevertheless, Defendants resist the conclusion that their delay dooms their attempt to seek reconsideration, and attempt to offer an explanation justifying their late submission. Specifically, Defendants assert that they “were preparing a supplement to the record” and had also “anticipated a hearing” where — according to Defendants — they would have had the opportunity to raise other arguments that they did not include in their filings. ECF No. 310 at 2. The Court rejects this argument for two primary reasons. First, Defendants fail to direct the Court to any authority either in the form of caselaw, a Federal Rule of Civil Procedure, or a local rule that would permit them to withhold supplemental evidence and then present it to the Court at a hearing that they did not receive. The absence of any authority that would permit this curious course of action seriously undercuts Defendants’ attempt to justify their delay. Moreover, if Defendants had intended to present this evidence at a hearing, one could reasonably expect Defendants to provide the Court of with advanced notice of their intent to do so. Second, Defendants have failed to explain why the three-month period between the RIDEM inspection itself and the Court issuing its Memorandum and Order did not provide them with the ability to either supplement the record or notify the Court of the inspection’s occurrence. Further, Defendants’ delay and subsequent characterization of this evidence as “newly discovered” suggests that the decision to withhold it was not inadvertent. , 507 F.3d at 34 (“Evidence known to a party and deliberately withheld for tactical reasons cannot plausibly be counted as newly discovered.”) (citation modified). The Court therefore rejects Defendants’ request for reconsideration.^{2 2} In any event, the Court’s reconsideration of the RIDEM inspection would not alter its prior denial of partial summary judgment. While Defendants emphatically argue that the RIDEM inspection serves as a critical development that materially alters the outcome of their prior motion, Plaintiffs’ opposition contests both the context in which RIDEM inspected the Providence Terminal and this inspection’s impact on the parties’ overall dispute. ECF No. 304 at 4-6; ECF No. 308 at 4-6. At most, the RIDEM inspection serves as an additional disputed fact that prevents the Court from granting summary judgment. , 116 F.3d 957, 959 (1st Cir. 1997) (“At the summary judgment stage, the trial court examines the entire record in the light most flattering to the nonmovant and indulges all reasonable inferences in that party’s favor. Only if the record, viewed in that manner and without regard to credibility determinations, reveals no genuine issue as to any material fact may the court enter summary judgment.”) (citation modified).

III. CONCLUSION

Based on the foregoing, the Court concludes that Defendants have not demonstrated their entitlement to reconsideration of the Court’s Memorandum and Order. As a result, the Court

DENIES Defendants' Motion for Reconsideration, ECF No. 304. IT IS SO ORDERED.
____ JOHN J. MCCONNELL, JR. Chief Judge United States District Court
March 3, 2026

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