

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF IDAHO

Zachary Harris v. Bechtel Marine Propulsion Corporation and Fluor Marine Propulsion, LLC

Harris · No. 4:20-cv-00360-JCG · Decided March 6, 2026

SUMMARY

The United States District Court for the District of Idaho denied Defendants’ motion for reconsideration of an order imposing lesser sanctions under Federal Rule of Civil Procedure 37. The Court declined to replace adverse-inference jury instructions concerning a non-disclosed witness and an allegedly unpreserved bus etiquette document with a deposition or to remove the document-related sanction. The Court also ordered the parties to meet and confer and submit an updated proposed scheduling order in advance of the November 2026 jury trial.

CASE DETAILS

COURT	United States District Court for the District of Idaho
WRITING FOR THE COURT	Jennifer Choe-Groves
JURISDICTION	United States District Court for the District of Idaho
DECIDED	March 6, 2026
DOCKET	4:20-cv-00360-JCG
DISPOSITION	other
PROCEDURAL POSTURE	Defendants moved under Federal Rule of Civil Procedure 54(b) for reconsideration of an interlocutory order that partially denied Plaintiff's request for terminating sanctions and imposed lesser sanctions, including adverse-inference jury instructions.
STANDARD OF REVIEW	A motion to reconsider an interlocutory order under Rule 54(b) is evaluated under substantially the same standards as a motion under Rule 59(e). Reconsideration is an extraordinary remedy generally limited to manifest errors of law or fact, newly discovered or previously unavailable evidence, manifest injustice, or an intervening change in controlling law.
PRECEDENTIAL VALUE	unpublished and nonprecedential district-court order

TOPICS

motion for reconsideration

sanctions

discovery dispute

civil procedure

employment law

PRACTICE AREAS

civil procedure

discovery sanctions

employment law

employment discrimination

QUESTIONS PRESENTED

1. Whether Defendants satisfied the standard for reconsideration of the prior sanctions order by arguing that a deposition should replace the adverse-inference instruction concerning Susan Rankin.
2. Whether Defendants satisfied the standard for reconsideration by asserting that the 2016 PDF version of the bus etiquette document remained unchanged and therefore constituted a preserved 2018 version.
3. Whether the prior adverse-inference sanctions order should be revised under Federal Rule of Civil Procedure 54(b).

HOLDINGS

1. A motion to reconsider an interlocutory order under Rule 54(b) will generally be granted only upon a manifest error of law or fact, newly discovered or previously unavailable evidence, manifest injustice, or an intervening change in controlling law; it may not be used to raise arguments or evidence that could reasonably have been presented earlier or to take a second bite at the apple.
2. Defendants were not entitled to reconsideration or to substitute a deposition for the adverse-inference jury instruction because their arguments were previously available, did not identify newly discovered evidence or an intervening change in law, and did not demonstrate clear error or manifest injustice.
3. Defendants were not entitled to reconsideration or removal of the adverse-inference sanction concerning the bus etiquette document because they offered no new evidence establishing that the 2016 PDF remained unchanged through the relevant 2018 period and did not show clear error or manifest injustice.

KEY QUOTATIONS

“motions for reconsideration are requests for an “extraordinary remedy, to be used sparingly in the interests of finality and conservation of judicial resources.”” (2)

“A motion for reconsideration is not intended to provide litigants with a “second bite at the apple.”” (3)

FACTUAL BACKGROUND

Plaintiff sought terminating sanctions based on Defendants' nondisclosure of fact witness Susan Rankin and alleged failure to preserve a version of a bus etiquette document from the 2018 period relevant to Plaintiff's discharge. The Court previously declined to dismiss the action and instead ordered adverse-inference jury instructions concerning those matters. Defendants argued that a deposition would be a more appropriate sanction and that a 2016 PDF version of the document remained unchanged, but the Court found that these arguments and evidence did not satisfy the standard for reconsideration.

PROCEDURAL HISTORY

The Court previously granted in part and denied in part Plaintiff's motion for terminating sanctions under Federal Rule of Civil Procedure 37. Instead of dismissing the action, the Court imposed lesser sanctions concerning Defendants' nondisclosure of a fact witness and failure to preserve a relevant bus etiquette document. Defendants sought reconsideration, and the Court denied the motion, directing the parties to submit an updated proposed scheduling order before trial.

DISPOSITION

other

REMAND INSTRUCTIONS

No remand. Defendants' motion for reconsideration was denied. The parties were ordered to meet and confer and file an updated proposed scheduling order by March 13, 2026, in preparation for the jury trial set for November 16-20, 2026.

CASES CITED

- Lindstrom v. Bingham Cnty., Idaho, No. 1:17-cv-00019-DCN, 2018 WL 3186925, at *2 (D. Idaho June 28, 2018)
- Hathaway v. Idaho Pacific Corp., No. 4:15-cv-00086-DCN, 2017 WL 6268514, at *1 (D. Idaho Dec. 8, 2017)
- Thomason v. Moeller, No. 4:16-cv-141-BLW, 2017 WL 3723638, at *1 (D. Idaho Aug. 29, 2017)
- Kona Enters., Inc. v. Estate of Bishop, 229 F.3d 877, 890 (9th Cir. 2000)
- Santoro v. Ocwen Loan Servicing, LLC, No. 6:14-cv-00522-MK, 2020 WL 97784, at *1 n.1 (D. Or. Jan. 8, 2020)
- Marlyn Nutraceuticals, Inc. v. Mucos Pharma GmbH & Co., 571 F.3d 873, 880 (9th Cir. 2009)
- Carroll v. Nakatani, 342 F.3d 934, 945 (9th Cir. 2003)
- Costello v. United States Gov't, 765 F. Supp. 1003, 1009 (C.D. Cal. 1991)
- Weeks v. Bayer, 246 F.3d 1231, 1236 (9th Cir. 2001)
- Wood v. Ryan, 759 F.3d 1117, 1121 (9th Cir. 2014)