

MINUTE ORDER

CASE NUMBER: CIVIL NO. 21-00243 LEK-RT

CASE NAME: Hawaiian Kingdom v Joseph Robinette Biden, Jr. Et al.,

JUDGE: Leslie E. Kobayashi

DATE: 4/19/2022

COURT ACTION: EO: COURT ORDER DENYING PLAINTIFF'S MOTION FOR RECONSIDERATION AND MOTION TO AMEND

On September 21, 2021, Defendant Anders G.O. Nervell filed his Motion to Dismiss Amended Complaint for Declaratory and Injunctive Relief as to Anders G.O. Nervell ("Nervell Motion"). [Dkt. no. 74.] On December 6, 2021, Plaintiff Hawaiian Kingdom ("Plaintiff") filed its Request for Judicial Notice Pursuant to FRCP 44.1 Re: Civil Law on Juridical Fact of the Hawaiian State and the Consequential Juridical Act by the Permanent Court of Arbitration ("Motion for Judicial Notice"). [Dkt. no. 174.] On March 30, 2022, the Court issued an order granting in part and denying in part the Nervell Motion ("3/30/22 Order"). [Dkt. no. 222.] On March 31, 2022, the Court issued an order denying the Motion for Judicial Notice ("3/31/22 Order"). [Dkt. no. 223.]

On April 7, 2022, Plaintiff filed its Memorandum of Authorities in Support of Hawaiian Kingdom's Motion for Reconsideration, to Alter or Amend Order Granting in Part and Denying in Part Defendant Nervell's Motion to Dismiss [ECF 222] and Order Denying Plaintiff's Motion for Judicial Notice [ECF 223] ("Motion for Reconsideration"). [Dkt. no. 225.] On April 11, 2022, Plaintiff filed its Motion to Alter or Amend Order Granting in Part and Denying in Part Defendant Nervell's Motion to Dismiss [ECF 222] and Order Denying Plaintiff's Motion for Judicial Notice [ECF 223] ("Motion to Amend"). [Dkt. no. 226.] The Court finds Plaintiff's motions suitable for disposition without a hearing. See Local Rule LR7.1(c), (d).

"Motions for reconsideration of interlocutory orders may be brought only upon the following grounds: (a) Discovery of new material facts not previously available; (b) Intervening change in law; and/or (c) Manifest error of law or fact." Local Rule LR60.1.

Here, Plaintiff's Motion for Reconsideration and Motion to Amend are virtually identical. Ultimately, both motions fail to identify new material facts not previously available, an intervening change in law, or a manifest error of law or fact. Although Plaintiff argues there are manifest errors of law in the 3/30/22 Order and the 3/31/22 Order, Plaintiff merely disagrees with the Court's decisions. Plaintiff's mere

disagreement, however, does not constitute grounds for reconsideration. See Fisher v. Kealoha, 49 F. Supp. 3d 727, 735 (D. Hawai`i 2014).

Plaintiff's motions also "request[] the Court to re-open the case on partial findings pursuant to [Federal Rule of Civil Procedure] 52(c) for the purpose of adjudicating Plaintiff's standing as a sovereign and independent State . . . by having the Court provide findings of fact and conclusions of law." [Motion for Reconsideration at 1; Mem. in Supp. of Motion to Amend at 1.] Rule 52 states "[t]he court is not required to state findings or conclusions when ruling on a motion under Rule 12 or 65 or, unless these rules provide otherwise, on any other motion." Fed. R. Civ. P. 52(a)(3). Plaintiff's motions fall under Rule 52(a)(3) not Rule 52(c). See Fed. R. Civ. P. 52(c) ("If a party has been fully heard on an issue **during a nonjury trial** and the court finds against the party on that issue, the court may enter judgment against the party on a claim or defense that, under the controlling law, can be maintained or defeated only with a favorable finding on that issue." (emphasis added)). As such, Plaintiff's request is DENIED.

Because Plaintiff has failed to establish any ground that warrants reconsideration or amendment of either the 3/30/22 Order or the 3/31/22 Order, the Motion for Reconsideration and the Motion to Amend are DENIED.

IT IS SO ORDERED.

Submitted by: Agalelei Elkington, Courtroom Manager