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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH

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PHILLIP C. ELLIS AND HEIDI B. ELLIS,  
Plaintiffs,

v.

RICHARD LEMONS, M.D., CHELSEA,  
GRIFFIN, AND EMILY HELM,  
Defendant.

MEMORANDUM DECISION AND  
ORDER DENYING PLAINTIFFS'  
MOTION FOR RECONSIDERATION

Case No. 2:15-CV-212 TS

District Judge Ted Stewart

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This matter is before the Court on Plaintiffs Phillip and Heidi Ellis's Motion for Reconsideration of its prior Memorandum Decision and Order, dated November 19, 2015 (Docket No. 49). For the reasons discussed below, the Court will deny Plaintiffs' Motion.

"Grounds warranting a motion to reconsider include (1) an intervening change in the controlling law, (2) new evidence previously unavailable, and (3) the need to correct clear error or prevent manifest injustice."<sup>1</sup> "Thus, a motion for reconsideration is appropriate where the court has misapprehended the facts, a party's position, or the controlling law. It is not appropriate to revisit issues already addressed or advance arguments that could have been raised in prior briefing."<sup>2</sup> The Court finds that the Plaintiffs have not met this burden. Plaintiffs have not introduced any intervening change in controlling law, have not pointed to new evidence previously unavailable, and have not shown a clear and manifest injustice in the Court's prior Order.

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<sup>1</sup> *Servants of Paraclete v. Does*, 204 F.3d 1005, 1012 (10th Cir. 2000).

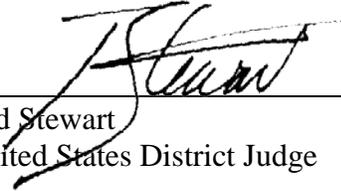
<sup>2</sup> *Id.* (internal citation omitted).

It is therefore

ORDERED that Plaintiffs' Motion for Reconsideration (Docket No. 54) is DENIED.

DATED this 26<sup>th</sup> day of January, 2016.

BY THE COURT:



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Ted Stewart  
United States District Judge