

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

GREGG CONITZ,

Plaintiff,

vs.

TECK ALASKA INCORPORATED,

Defendant.

Case No. 4:09-cv-0020-RRB

**ORDER ON MOTION
TO RECONSIDER**

Before the Court is Plaintiff Gregg Conitz with a Motion to Reconsider at Docket 53. Conitz asks this Court to strike two portions of its Order at Docket 48 and contends that the Court erroneously found that he had received a full and fair hearing in his prior suit, Conitz v. Teck Cominco Alaska Inc., 4:06-cv-00015-RRB ("Conitz I").

First, Conitz takes issue with the Court's characterization of the Red Dog mine as a "joint venture" between Defendants Teck Alaska Incorporated ("Teck") and NANA Regional Corporation ("NANA").¹ In its use of the phrase "joint venture," the Court did not intend to confer any sort of legal status on the Red Dog mine, but merely sought to explain the general relationship of Teck and

¹ Docket 53 at 1.

NANA with regard to the mine. The Court acknowledges that the phrase confuses more than it clarifies and will therefore strike it from the Order.

Next, Conitz objects to the Court's use of the word "frivolous" to describe his argument that he did not receive a full and fair hearing in Conitz I. It is apparent from his brief that he is primarily concerned with sanctions. The Court had no such sanctions in mind when it called his argument "frivolous." Rather, the Court simply observed that when the Ninth Circuit has already held that Conitz had a full and fair hearing in Conitz I, there is nothing to be gained by bringing up the issue once again. The Court will delete the word "frivolous."

Nevertheless, the Court will not revisit the issue of whether Conitz received a full and fair hearing. To do so would require second-guessing the Ninth Circuit's judgment, which could not have been clearer.

The Court's Order at Docket 48 will be modified in accordance with this Order.

IT IS SO ORDERED,

ENTERED this 19th day of November, 2009.

S/RALPH R. BEISTLINE
UNITED STATES DISTRICT JUDGE