

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

IN RE ZYNGA INC. SECURITIES
LITIGATION

No. C 12-04007 JSW

This Document Relates To:
All Actions

**ORDER DENYING
DEFENDANTS' MOTION FOR
LEAVE TO FILE MOTION FOR
RECONSIDERATION**

This matter comes before the Court upon consideration of Defendants' motion for leave to file a motion for reconsideration of this Court's Order dated March 25, 2015 denying Defendants' motion to dismiss.

Under local rule 7-9, a party may seek leave to file a motion for reconsideration any time before judgment. N.D. Civ. L.R. 7-9(a). A motion for reconsideration may be made on one of three grounds: (1) a material difference in fact or law exists from that which was presented to the Court, which, in the exercise of reasonable diligence, the party applying for reconsideration did not know at the time of the order; (2) the emergence of new material facts or a change of law; or (3) a manifest failure by the Court to consider material facts or dispositive legal arguments presented before entry of judgment. N.D. Civ. L.R. 7-9(b)(1)-(3). The moving party may not reargue any written or oral argument previously asserted to the Court. *Id.*, 7-9(c).

Defendants seek leave to file a motion for reconsideration on the basis that the Court failed to consider dispositive legal arguments, and in support of that motion, they present

1 arguments that were previously presented to the Court.

2 The Court did consider each of the arguments raised by Defendants in support of their
3 motion for leave to file a motion for reconsider. However, it found those arguments
4 unpersuasive. Moreover, with respect to the heightened pleading standard for loss causation,
5 the Court finds Plaintiff has adequately pled this element of his claim under the holding in
6 *Oregon Public Employees Retirement Fund v. Apollo Group, Inc.*, 774 F.3d 598, 605 (9th Cir.
7 2014) (holding that the heightened pleading standard of “Rule 9(b) applies to all elements of a
8 securities fraud action, including loss causation.”).

9 Accordingly, the Court DENIES Plaintiff’s motion for leave to file a motion for
10 reconsideration.

11 **IT IS SO ORDERED.**

12 Dated: April 28, 2015

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14 JEFFREY S. WHITE
15 UNITED STATES DISTRICT JUDGE
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