

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE**

Roderick Webber

v.

Civil No. 18-cv-931-LM

Edward Deck, et al.

O R D E R

Roderick Webber, proceeding pro se, brings eighteen claims against a large group of defendants arising out of alleged assaults on him that occurred during a "No Labels Problem Solvers" political event held at the Radisson Hotel in Manchester, New Hampshire, in October 2015. Specifically, Webber alleges that he was assaulted at the event by defendants Edward Deck (an employee or agent of Donald J. Trump for President, Inc.), Fred Doucette (a New Hampshire State Representative), and several officers of the Manchester Police Department.

Defendant JPA III Management Company, Inc., d/b/a Radisson Hotel Manchester (the "Radisson") moved to dismiss the only claim Webber alleges against it, a negligence claim in Count IV. The Radisson argued that Webber failed to allege in his second amended complaint any facts to show that it owed him any duty of care. Webber did not respond to the motion within the time allowed, and the court granted the motion.

Webber moves for reconsideration on the ground that he did not realize he had fourteen days rather than twenty-one days to respond to the Radisson's motion.¹ Reconsideration of an order "is an extraordinary remedy which should be used sparingly." [Palmer v. Champion Mortg.](#), 465 F.3d 24, 30 (1st Cir. 2006). In addition, a motion for reconsideration is not a means to correct a party's procedural failures. [Iverson v. City of Boston](#), 452 F.3d 94, 104 (1st Cir. 2006). To succeed, "[a] motion to reconsider an interlocutory order of the court, . . . shall demonstrate that the order was based on a manifest error of fact or law." LR 7.2(d).

The court granted the Radisson's motion to dismiss, after the time expired for Webber to file an objection, for the reasons stated in the Radisson's memorandum in support of the motion. See June 19, 2019 endorsed order. In its memorandum, the Radisson provided the standard for negligence under New Hampshire law, which requires proof that a defendant owed a plaintiff a duty of reasonable care and breached that duty to the detriment of the plaintiff. See, e.g., Yager v. Clauson, 169 N.H. 1, 5 (2016). In "order for a duty to exist on the part of a landowner, it must be foreseeable that an injury might occur as a result of the landowner's actions or inactions."

¹ Webber filed two identical motions for reconsideration (document nos. 102 and 103).

Grant v. Wakeda Campground, LLC, 631 F. Supp. 2d 120, 124 (D.N.H. 2009) (quoting Kellner v. Lowney, 145 N.H. 195, 198 (2000)). The Radisson argued that Webber had not alleged facts to show that it owed him any duty, or, in particular, a duty to protect him from the people that he alleges assaulted him. See England v. Brianas, 166 N.H. 369, 371-72 (2014). For that reason, the negligence claim failed.

According to the second amended complaint, Webber was assaulted by a security employee or agent for the Trump Campaign, a New Hampshire State Representative, and several police officers. None of these individuals is a Radisson employee. Webber alleges no facts in the second amended complaint to show that the Radisson had any reason to know beforehand that Webber was in danger or to foresee the events that Webber alleges occurred.² Therefore, Webber did not allege facts to show that the Radisson owed him a duty of care, and his negligence claim fails.

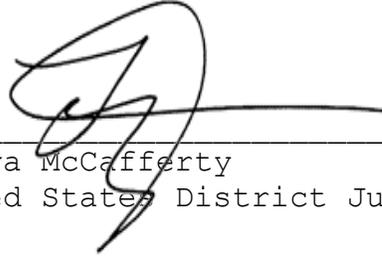
Because the motion to dismiss was properly granted, Webber has not shown grounds for reconsideration.

² Although Webber alleges that Donald Trump and some of his associates are “known for the multiple acts of violence” through their affiliation with World Wrestling Entertainment, he alleges no facts to show that the Radisson was aware of that history or that the history should have put the Radisson on notice that Webber was in danger. Further, the majority of defendants who allegedly assaulted Webber are not associated with the Trump Campaign.

CONCLUSION

For the foregoing reasons, plaintiff's motions for reconsideration (doc. nos. 102 and 103) are denied.

SO ORDERED.



Landya McCafferty
United States District Judge

January 2, 2020

cc: Peter S. Cowan, Esq.
Samantha Dowd Elliott, Esq.
Chloe F. Golden, Esq.
Bryan K. Gould, Esq.
Christian Hinrichsen, Esq.
Matthew David Mortensen, Esq.
Adam B. Pignatelli, Esq.
Jonathan S. Spaeth, Esq.
Roderick Webber, pro se