

**UNITED STATES COURT OF APPEALS**  
**FOR THE TENTH CIRCUIT**

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**APR 6 1999**

**PATRICK FISHER**  
Clerk

STILLWATER CHRISTIAN  
CHURCH,

Plaintiff-Appellant,

v.

CHURCH MUTUAL INSURANCE  
COMPANY, a foreign corporation,

Defendant-Appellee.

No. 98-6258  
(D.C. No. CIV-97-901-C)  
(W.D. Okla.)

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**ORDER AND JUDGMENT** \*

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Before **BALDOCK** , **BARRETT** , and **HENRY** , Circuit Judges.

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After examining the briefs and appellate record, this panel has determined unanimously to grant the parties' request for a decision on the briefs without oral argument. See Fed. R. App. P. 34(f); 10th Cir. R. 34.1(G). The case is therefore ordered submitted without oral argument.

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\* This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel. The court generally disfavors the citation of orders and judgments; nevertheless, an order and judgment may be cited under the terms and conditions of 10th Cir. R. 36.3.

Plaintiff-appellant Stillwater Christian Church appeals the district court's order denying its post-trial motion to set aside the summary judgment entered in favor of defendant-appellee. We exercise jurisdiction under 28 U.S.C. § 1291 and affirm.

Defendant was the insurer of plaintiff's church property damaged in an arson fire. Defendant ultimately paid full coverage for the damage, but plaintiff claims defendant's delays in investigation and payment violated the policy and state insurance law, thereby entitling it to damages, interest, and attorney fees. After the district court granted summary judgment to defendant, plaintiff moved to set the judgment aside on the grounds that it was not supported by sufficient evidence, it was contrary to law, the district court improperly weighed the evidence, plaintiff was entitled to sums in addition to the insurance proceeds, and newly discovered evidence dictated a different result. On appeal, plaintiff argues that the district court erred in denying its post-trial Motion for New Trial or Amendment of Judgment and/or Relief from Judgment.

“We review an appeal from a motion to reconsider for abuse of discretion.” Herr v. Heiman , 75 F.3d 1509, 1515 n.1 (10th Cir. 1996). We have carefully reviewed the materials submitted by the parties as well as the applicable law and

we find no abuse of discretion or reversible error. Accordingly, the judgment of the United States District Court for the Western District of Oklahoma is AFFIRMED for substantially the reasons stated in the district court's orders dated February 4, 1998 and May 19, 1998.

Entered for the Court

Bobby R. Baldock  
Circuit Judge