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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

PAR ELECTRICAL CONTRACTORS,
INC. and OLD REPUBLIC
INSURANCE COMPANY,

Plaintiff,

v.

BLUELINE RENTAL LLC;
PLATINUM EQUITY, LLC; and
SANDRA HOYE, as Personal
Representative for the Estate of Conor
J. Finnerty, and for C.F., a Minor and
M.F., a Minor,

Defendants.

NO: 2:16-CV-0246-TOR

ORDER DENYING OLD REPUBLIC
INSURANCE COMPANY'S
MOTION FOR RECONSIDERATION

BEFORE THE COURT is Old Republic Insurance Company's Motion for
Reconsideration (ECF No. 51). The Court has reviewed the record and files herein,
and is fully informed. The Motion for Reconsideration (ECF No. 51) is **DENIED**,
as Old Republic's request simply rehashes arguments that were fully considered.
Compare ECF No. 51 with ECF No. 47.

ORDER DENYING OLD REPUBLIC INSURANCE COMPANY'S MOTION
FOR RECONSIDERATION ~ 1

1 **DISCUSSION**

2 “[A] motion for reconsideration should not be granted, absent highly unusual
3 circumstances, unless the district court is presented with newly discovered
4 evidence, committed clear error, or if there is an intervening change in the
5 controlling law.” *389 Orange St. Partners v. Arnold*, 179 F.3d 656, 665 (9th Cir.
6 1999) (citation omitted). There is no newly discovered evidence or change in law.
7 Old Republic has not stated how the Court committed clear error. ECF No. 51.
8 Old Republic merely complains about the result and attempts to re-litigate the
9 issues this Court already decided after thorough analysis.¹ Compare ECF No. 51
10 with ECF No. 47. Old Republic’s concern that the Court should wait to determine
11 whether Old Republic has a duty to indemnify until a verdict is illusory—if there is
12 no resulting liability the duty to indemnify does not materialize.

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¹ Old Republic complains that this Court did not follow *Ritter v. Penske*
15 *Trucking Leasing Co.*, an unpublished case. ECF No. 51 at 2. The *Ritter* case does
16 not even directly address the issue—rather, it focuses on a lack of an allegation in
17 the underlying complaint and reasonable expectations—and its conclusion that the
18 policy was limited to negligence was not explained or supported, contrary to the
19 cases this Court references in its Order (ECF NO. 47). *Ritter v. Penske Trucking*
20 *Leasing Co., L.P.*, 2012 WL 6049186, at 4-6 (Wisc. App. 2012).

1 **ACCORDINGLY, IT IS HEREBY ORDERED:**

2 Old Republic's Motion for Reconsideration (ECF No. 25) is **DENIED**.

3 The District Court Executive is hereby directed to enter this Order and
4 provide copies to counsel.

5 **DATED** March 17, 2017.



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THOMAS O. RICE
Chief United States District Judge