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7 UNITED STATES DISTRICT COURT  
8 WESTERN DISTRICT OF WASHINGTON  
9 AT SEATTLE

10 RSUI INDEMNITY COMPANY, INC.,

11 Plaintiff,

12 v.

13 VISION ONE, LLC, *et al.*,

14 Defendants.

Case No. C08-1386RSL

ORDER DENYING MOTION FOR  
CLARIFICATION

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16 This matter comes before the Court on “Plaintiff’s Motion for Clarification Re Order  
17 Granting Partial Summary Judgment Re Coverage” (Dkt. # 89). Although plaintiff’s motion is  
18 entitled a “motion for clarification,” the Court finds that plaintiff’s motion is actually a motion  
19 for reconsideration. Motions for reconsideration are disfavored in this district and will be  
20 granted only upon a “showing of manifest error in the prior ruling” or “new facts or legal  
21 authority which could not have been brought to [the Court’s] attention earlier with reasonable  
22 diligence.” CR 7(h)(1). Plaintiff has not met this burden.

23 RSUI argues that Berg’s conduct on the job site, its shoring designs, and its direction to  
24 D&D Construction, Inc. regarding the shoring designs triggers the policy’s residential work  
25 exclusion. Motion at 2-3. Similarly, RSUI argues that the placement of the shoring equipment  
26 both under the walkway and in a purely residential garage indicates that the area of collapse was  
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28 ORDER DENYING MOTION  
FOR CLARIFICATION- 1

1 both residential and commercial, and therefore, the exception to residential work exclusion does  
2 not apply. Id. at 4-5.

3 Finally, RSUI contends that the Court relied on defendants' experts' declarations to  
4 determine the meaning of critical policy terms, but "did not cite or discuss the contrary evidence,  
5 including Mr. Windt's opinion..." Id. at 5. As the Court noted in its Order on Cross Motions  
6 Regarding Coverage, "RSUI relied on an expert regarding the alleged bad faith of its denial, but  
7 did not rely on an expert opinion in its motion regarding coverage." Order (Dkt. #81) at 6 n.1.

8 These arguments are not based on "new facts or legal authority," and plaintiff has not  
9 shown manifest error. The motion for reconsideration is, therefore, DENIED.

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11 DATED this 30th day of October, 2012.

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15 Robert S. Lasnik  
16 United States District Judge