

HONORABLE RICHARD A. JONES

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

R.H., et al.,

Plaintiffs,

v.

PREMERA BLUE CROSS, et al.

Defendants.

CASE NO. C13-97RAJ

ORDER

This matter comes before the court on plaintiff’s motion for reconsideration of the court’s order denying plaintiff’s motion for preliminary approval of class action. Dkt. # 66.

Motions for reconsideration are disfavored and will be granted only upon a “showing of manifest error in the prior ruling” or “new facts or legal authority which could not have been brought to [the court’s] attention earlier with reasonable diligence.” Local Rules W.D. Wash. CR (“LCR”) 7(h)(1). Additionally, motions for reconsideration may not exceed six pages. LCR 7(e)(1).

1 Plaintiff has not cited this standard, let alone met it. Plaintiff has not demonstrated
2 manifest error, nor has plaintiff provided the court with any binding authority with
3 respect to the purportedly lenient and deferential standard articulated by other circuits and
4 district courts at the preliminary approval stage. This court has consistently required
5 parties to demonstrate that a settlement is fair, reasonable, and adequate on a preliminary
6 basis,¹ and will continue to do so in this and other cases.

7 Accordingly, the court DENIES plaintiff's motion. Nevertheless, the court
8 addresses a one issue raised by plaintiff.

9 Plaintiff argues that requiring class counsel to detail the reasons why they believe
10 the amount to be adequate upon approval would necessarily require counsel to disclose
11 confidential material exchanged between the parties in mediation, and that it would
12 require class counsel to disclose their thoughts and work product at a time when they are
13 also in discussions with Regence and others over similar damage claims. Dkt. # 66 at 6.
14 The court declines to follow plaintiff's "trust but verify" approach. Nevertheless, given
15 plaintiff's concerns regarding disclosing confidential information, plaintiff may file
16 certain confidential information under seal with a redacted motion pursuant to Local Civil
17 Rule 5(g).

18 In its renewed motion, plaintiff should include his remaining arguments and legal
19 authority. The court emphasizes that if plaintiff cites non-binding legal authority, he
20 should explain why the court should follow the reasoning. The court strongly encourages
21 plaintiff to review this court's prior orders regarding preliminary approval for class action
22 settlement cited in footnote 1. Given the recommended time frame suggested by the
23 parties, the court ORDERS plaintiff to file his renewed motion no later than July 30,
24 2014.

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26 ¹ See *Chesbro v. Best Buy Co. Inc.*, Case No. C10-774RAJ, Dkt. ## 91, 95; *McClintic v.*
27 *Lithia Motors, Inc.*, Case No. C11-859RAJ, Dkt. ## 31, 33, 37; *In re Classmates.com*, Case No.
C09-45RAJ, Dkt. # 76.

1 Dated this 21st day of July, 2014.

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3 A handwritten signature in black ink that reads "Richard A. Jones". The signature is written in a cursive style and is positioned above a solid horizontal line.

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5 The Honorable Richard A. Jones
6 United States District Judge
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