

THE HONORABLE ROBERT S. LASNIK

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

EAGLE WEST INSURANCE COMPANY, a
California Company,

Plaintiff,

v.

SAT, 2400, LLC d/b/a Stanford Apartments,
a Washington Corporation,

Defendant.

No.: 2:15-cv-01098-RSL

~~PROPOSED~~ ORDER GRANTING
PLAINTIFF'S UNOPPOSED MOTION
FOR VACATUR

Plaintiff has moved for an order vacating certain judgments and orders, including (1) Judgment in a Civil Case (ECF 86), (2) Order Granting in Part SAT's Motion for *Olympic Steamship Award* (ECF 97); and (3) all substantive orders underlying those decisions, including the Order Granting in Part SAT, 2400's Motion for Partial Summary Judgment and Denying Eagle West's Cross-Motion for Summary Judgment (ECF 34) and the pretrial orders in limine (ECF 62, 63.) Defendant does not oppose the motion.

Vacatur is authorized by Fed. R. Civ. P. 60(b). *American Games, Inc. v. Trade Products, Inc.*, 142 F.3d 1164, 1168 (9th Cir. 1998). A district court that is asked to vacate its own unreviewed orders and judgments is required to engage in an "equitable balancing test" that weighs the factors identified in *American Games. Id.* at 1167.

1 Having undertaken that equitable balancing test and finding that the equities weigh in
2 favor of granting the motion,

3 IT IS ORDERED that Plaintiff's motion for vacatur is granted. As a result, the
4 (1) Judgment in a Civil Case (ECF 86), (2) Order Granting in Part SAT's Motion for
5 *Olympic Steamship Award* (ECF 97); and (3) all substantive orders underlying those
6 decisions, including the Order Granting in Part SAT, 2400's Motion for Partial Summary
7 Judgment and Denying Eagle West's Cross-Motion for Summary Judgment (ECF 34) and
8 the pretrial orders in limine (ECF 62, 63) are vacated.

9 DATED this 11th day of July, 2017.

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13 HONORABLE ROBERT S. LASNIK

14 Submitted by:

15 BULLIVANT HOUSER BAILEY PC

16 By /s/ John A. Bennett

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