

1 HONORABLE RICHARD A. JONES
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9 UNITED STATES DISTRICT COURT
10 WESTERN DISTRICT OF WASHINGTON
11 AT SEATTLE

12 CITY OF SEATTLE,

13 Plaintiff,

14 v.

15 MONSANTO COMPANY, *et al.*,

16 Defendants.

Case No. 2:16-cv-00107-RAJ

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

17 The Court, having reviewed the Report and Recommendation of the Honorable
18 Michelle L. Peterson, United States Magistrate Judge, any objections thereto, the
19 remaining record, hereby finds and ORDERS as follows:

20 (1) The Report and Recommendation is approved and adopted as follows: Plaintiff
21 City of Seattle's "Motion to Strike Defendants' Amendments to their Affirmative
22 Defenses 10, 15, 18, 21, and 82" (dkt. # 343) is **GRANTED** in part and **DENIED** in part.
23 Plaintiff's Motion is **GRANTED** as to striking Defendants' amendments to affirmative
24 defenses 15, 18, and 21. Plaintiff's Motion is **DENIED** with regard to striking
25 Defendants' amendments to affirmative defenses 10 and 82. The Court amends the
26 Report and Recommendation to permit until **February 6, 2023**, to conduct discovery
27 regarding the meaning of the terms of the State Settlement Agreement, the intent of the
28 parties to the State Settlement Agreement, the scope of any release authorized by the

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1 State Settlement Agreement, and any other relevant surrounding circumstances.

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3 (2) Defendants' Motion to Stay Discovery (dkt. # 523) is **DENIED**.

4 (3) The Clerk is directed to send copies of this Order to the parties.

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6 DATED this 4th day of January, 2023.

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9 The Honorable Richard A. Jones
10 United States District Judge