

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

HONORABLE RICHARD A. JONES

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

CITY OF SEATTLE,

Plaintiff,

v.

MONSANTO COMPANY, *et al.*,

Defendants.

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

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

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

(1) The Report and Recommendation is approved and adopted;

(2) Defendants Monsanto Company, Solutia Inc., and Pharmacia Corporation’s (“Defendants”) Motion for Summary Judgment (dkt. # 326) is **DENIED** as to the discreet issues of: (1) whether the State of Washington released Plaintiff City of Seattle’s (“City”) intentional public nuisance claim when it settled its PCB lawsuit against Defendants in

1 June 2020; and (2) whether res judicata otherwise bars the City's public nuisance claim.

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

3
4 DATED this 6th day of July, 2023.

5 
6

7 The Honorable Richard A. Jones
8 United States District Judge
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28