

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

14 CITY OF SEATTLE,

15 Plaintiff,

16 v.

17 MONSANTO COMPANY, *et al.*,

18 Defendants.

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

**ORDER GRANTING MOTION
FOR RECONSIDERATION**

19 **I. INTRODUCTION**

20 This matter comes before the Court on Defendants' Motion for Reconsideration
21 ("Motion"). Dkt. # 585. Having considered the Motion, the relevant portions of the
22 record, and the applicable law, the Court finds that oral argument is unnecessary. For the
23 reasons below, the Court **GRANTS** the Motion.

24 **II. DISCUSSION**

25 Motions for reconsideration are disfavored and will be granted only upon a
26 "showing of manifest error in the prior ruling" or "new facts or legal authority which
27 could not have been brought to [the court's] attention earlier with reasonable diligence."
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ORDER – 1

1 Local R. W.D. Wash. (“LCR”) 7(h)(1).

2 Defendants Monsanto Company, Solutia Inc., and Pharmacia LLC (“Defendants”)
3 request that the Court reconsider the portion of its March 23, 2023 Order Granting in Part
4 and Denying in Part Plaintiff’s Motion for Partial Summary Judgment (Dkt. # 581)
5 (“Order”). The Order dismissed Defendants’ Affirmative Defenses 8, 9, and 13, which
6 relate to time limitations. Defendants argue that they remain entitled to assert those
7 defenses to the extent the City seeks to recover for alleged harm to its proprietary
8 interests. Dkt. # 585 at 5-6.

9 This Court previously noted that “[i]n this action to restore the purity of its
10 waterways, Seattle acts in its sovereign capacity.” Dkt. # 60 at 9. The Order granting
11 Plaintiff’s motion on the statute of limitations issue was based on this ruling. However,
12 Defendants contend, and Plaintiff has later conceded, that the City may otherwise seek
13 relief for proprietary harm and that the continuing tort doctrine resolves any statute of
14 limitations issues. Dkt. # 518 at 38; *id.* at 64. Accordingly, the Court revises its ruling to
15 permit Defendants to assert Affirmative Defenses 8, 9, and 13 against any claim asserted
16 in the City’s proprietary capacity.

17 **III. CONCLUSION**

18 For the reasons above, the Court **GRANTS** Defendants’ Motion for
19 Reconsideration. Dkt. # 585.

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21 DATED this 13th day of July, 2023.

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25 The Honorable Richard A. Jones
26 United States District Judge

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