

1 THE HONORABLE JOHN C. COUGHENOUR

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6 UNITED STATES DISTRICT COURT  
7 WESTERN DISTRICT OF WASHINGTON  
8 AT SEATTLE

9 PREMIER HARVEST LLC, *et al.*,

10 Plaintiffs,

11 v.

12 AXIS SURPLUS INSURANCE  
13 COMPANY, *et al.*,

14 Defendants.

CASE NO. C17-0784-JCC

MINUTE ORDER

15 The following Minute Order is made by direction of the Court, the Honorable John C.  
16 Coughenour, United States District Judge:

17 This matter comes before the Court on Defendants' motion for reconsideration (Dkt. No.  
18 59) of the Court's order denying Defendants' motion to quash (Dkt. No. 58). Motions for  
19 reconsideration are generally disfavored. W.D. Wash. Local Civ. R. 7(h)(1). Reconsideration is  
20 appropriate only if there is "manifest error in the prior ruling or a showing of new facts or legal  
21 authority which could not have been brought to [the Court's] attention earlier with reasonable  
22 diligence." *Id.* "A motion for reconsideration should not be used to ask the court to rethink what  
23 the court had already thought through—rightly or wrongly." *U.S. v. Rezzonico*, 32 F. Supp. 2d  
24 1112, 1116 (D. Ariz. 1998) (internal quotation marks and citation omitted).

25 Defendants argue that the Court overlooked the declaration of Stephen Lajewski, AXIS  
26 Surplus Insurance Company's Vice President of Claims, describing the anonymous tip the

1 company received that Plaintiffs may be fraudulently inflating their claim. (Dkt. No. 24 ¶ 6.) But  
2 Defendants made no reference to Mr. Lajewski's declaration in their motion to quash or related  
3 exhibits. (*See generally* Dkt. Nos. 52, 53.) The Court need not consider facts that could have  
4 been brought to the Court's attention earlier with reasonable diligence. W.D. Wash. Local Civ.  
5 R. 7(h)(1). Further, even if the Court were to consider Mr. Lajewski's declaration, it is  
6 insufficient to overcome the presumption that documents created prior to a final decision on an  
7 insured's claim are not protected. *Lains v. Am. Family Mut. Ins. Co.*, No. C14-1982-JCC, slip op.  
8 at 2-3 (W.D. Wash. Dec. 1, 2015).

9 Defendants' motion for reconsideration (Dkt. No. 59) is DENIED.

10 DATED this 13th day of December 2017.

11 William M. McCool  
12 Clerk of Court

13 s/Tomas Hernandez  
14 Deputy Clerk