

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

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

HERBIE MARTIN,

Plaintiff,

v.

CITY OF MILL CREEK, *et al.*,

Defendants.

NO. C18-0781RSL

ORDER GRANTING
RECONSIDERATION AND
DISMISSING CASE

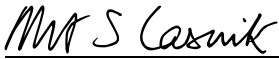
On April 10, 2019, the Court granted in part defendants’ motion for summary judgment but found that defendants had not met their burden of showing that absolute legislative immunity barred plaintiff’s § 1983 claim. Defendants filed a timely motion for reconsideration, arguing that the appointment or termination of a member of the legislative body in accordance with state law is not an administrative personnel decision but rather a legislative act. Pursuant to LCR 7(h)(3), plaintiff was given an opportunity to respond to the motion for reconsideration. He has not done so.

Having reviewed defendants’ arguments and the cases cited therein, the motion for reconsideration (Dkt. # 25) is hereby GRANTED. Because legislative immunity bars plaintiff’s only remaining claim, this case is DISMISSED. Defendants’ unopposed motion to certify issues

//

1 for interlocutory appeal (Dkt. #26) is DENIED as moot, as are their motions in limine (Dkt.
2 # 28). The Clerk of Court is directed to enter judgment in favor of defendants and against
3 plaintiff.

4
5 Dated this 23rd day of May, 2019.

6 
7 _____
8 Robert S. Lasnik
9 United States District Judge