

The Honorable Richard A. Jones

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JUSTIN R. VORHEES, et al., and KASSI
L. BLANCHARD, spouses,

Plaintiff(s),

vs.

ESURANCE INSURANCE SERVICES,
INC., an ALLSTATE INSURANCE
SERVICES, INC. company, foreign
corporations doing business in the State of
Washington,

Defendants.

NO. 2:23-cv-00420- RAJ

~~PROPOSED~~ ORDER GRANTING
THE PARTIES JOINT MOTION
TO ENTER FINDINGS AND TO
CERTIFY APPEAL UNDER
CR54(b)

Currently before the Court is the parties Joint Motion to Enter Findings and to Certify Appeal Under CR 54(b). Having reviewed the motion, the record of the case, and the relevant legal authority, and no opposition to the motion being filed, the Court hereby rules as follows:

In support of its Minute Order, Dkt. 56, the Court FINDS:

~~PROPOSED~~ ORDER CERTIFYING APPEAL UNDER CR54(B)
2:23-CV-00420-RAJ - 1

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2 1. With respect to the Orders: (1) Order Denying Plaintiff's Motion for Partial
3 Summary Judgment and Granting Defendant Esurance Motion for Partial Summary
4 Judgment, Dkt. 54: the dispositive orders would be final in the sense that each such order
5 is an ultimate disposition of an individual claim entered in the course of a multiple claims
6 action, were it not for the presence of the 1st party claim for damages under the Plaintiffs'
7 UIM policy; and there is no just reason for delay to appeal the dispositive orders.

8 2. The reasons for Rule 54(b) certification via this order include:

9 a. Plaintiffs seek to appeal the dispositive orders. Bases for the appeal that
10 Plaintiffs intend to assert include but are not limited to: (1) That this Court engaged in
11 impermissible fact-finding in dismissing Plaintiffs' insurance bad faith, IFCA, and
12 WCPA claims, (2) this Court failed to appropriately apply the standard in *Beasley v.*
13 *GEICO Gen. Ins. Co.*, 23 Wn. App. 641, 517 P.3d 500 (2022), *review denied*, 200 Wn.2d
14 1028 (2023); and (3) this Court's ruling as to the admissibility and relevance Plaintiffs'
15 insurance bad faith expert contradicts the court's ruling that no reasonable juror could
16 find for Plaintiffs.

17 b. No party opposes entry of this order.

18 c. No party will be prejudiced by appeal of the dispositive order prior to trial of the
19 remaining claims in this action.

20 d. The common facts underlying Plaintiffs' claim for damages under the Esurance
21 Uninsured Motorist Policy are central to the claims dismissed in the dispositive order:
22 Plaintiff's claims for insurance bad faith, violation of the Insurance Fair Conduct Act,
23 and for damages under the Washington Consumer Protection Act. If, on appeal, the court
24 were to reverse this Court's decision there is a significant risk that the trial would be
25 duplicative, a waste of judicial resources, an undue burden on the parties, and that the
26 trials may produce inconsistent results.

1 e. The costs and risks of multiplying the number of proceedings and of
2 overcrowding the appellate docket are outbalanced by pressing needs of the litigants for
3 an early and separate judgment as to the claims and parties involved in the dispositive
4 order.

5 f. The following order is in the best interest of efficient judicial administration.

6 The Court further FINDS that good cause exists to temporarily lift the stay
7 imposed by this Court, so that the Court may consider and decide the above-referenced
8 motion, and that to reimpose that stay upon entry of this Order is in the interests of
9 justice.

10 IT IS ORDERED:

11 A. The Motion to Enter Findings in Support of Order Granting Motion for Rule
12 54(b) Certification, is GRANTED;

13 B. The stay entered by this Court, Dkt. 56, is LIFTED for purposes of
14 consideration of the Parties Joint Motion to Enter Findings and to Certify Appeal Under
15 CR 54(b), shall be REINSTATED, without further action of this Court, upon entry of
16 this Order.

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18 Dated this the 29th day of August, 2024.

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22 The Honorable Richard A. Jones
23 United States District Judge