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6 UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON AT TACOMA  
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8 STELLA SATTER,

9 Plaintiff,

10 v.

11 WASHINGTON STATE DEPARTMENT  
12 OF ECOLOGY, et al.,

13 Defendants.

CASE NO. C09-5645BHS

ORDER DENYING  
PLAINTIFF'S MOTIONS FOR  
RECONSIDERATION

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15 This matter comes before the Court on Plaintiff Stella Satter's ("Satter") motions  
16 for reconsideration (Dkts. 81 & 84) of the Court's order granting Defendants' motion for  
17 partial summary judgment on the issue of prior restraint (Dkt. 59) and the Court's order  
18 granting Defendants' motion for partial summary judgment regarding constructive  
19 discharge claim (Dkt. 79). The Court has considered the pleadings filed in support of and  
20 in opposition to the motions and the remainder of the file and hereby denies Satter's  
21 motions for the reasons stated herein.

22 **I. FACTUAL AND PROCEDURAL HISTORY**

23 For a more complete procedural history and factual background see the Court's  
24 order on Defendants' motion for partial summary judgment on the issue of prior restraint  
25 (Dkt. 59) and the Court's order on Defendants' motion for partial summary judgment  
26 regarding constructive discharge claim (Dkt. 79). On June 8, 2010, the Court granted  
27 Defendants' motion for partial summary judgment on the issue of prior restraint. Dkt. 59.  
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1 On June 22, 2010, Satter filed a motion for reconsideration (Dkt. 62) and on June 30,  
2 2010, the Court denied the motion (Dkt. 66). On August 10, 2010, the Court granted  
3 Defendants' motion for partial summary judgment regarding constructive discharge  
4 claim. Dkt. 79. On August 24, 2010, Satter filed the instant motions for reconsideration  
5 of the Court's orders on Defendants' motions for partial summary judgment. Dkts. 81 &  
6 84. On August 25, 2010, the Court ordered Defendants to file a response to the motions.  
7 Dkt. 86. On September 16, 2010, Defendants filed their response. Dkt. 87. The Court  
8 granted Satter's request to file a late reply to Defendants' response (Dkt. 98) and on  
9 October 21, 2010, Satter filed her reply (Dkt. 99).

## 10 **II. DISCUSSION**

11 Motions for reconsideration are governed by Local Rule CR 7(h), which provides  
12 as follows:

13 Motions for reconsideration are disfavored. The court will ordinarily  
14 deny such motions in the absence of a showing of manifest error in the prior  
15 ruling or a showing of new facts or legal authority which could not have  
been brought to its attention earlier with reasonable diligence.

16 Local Rule CR 7(h)(1).

17 When Satter filed her motions for reconsideration, the Court, considering the  
18 timing of the discovery of the document she refers to as the "Suggestions Memo" and  
19 what impact the document might have on the Court's previous orders on summary  
20 judgment, ordered Defendants to file a response to the motions. However, having  
21 considered Defendants' response to the motions, Satter's reply, and the Suggestions  
22 Memo itself, the Court concludes that although the Suggestions Memo contains some new  
23 facts, the facts are neither relevant nor material to the Court's decisions on the motions  
24 for summary judgment. Satter's main argument in seeking reconsideration of the Court's  
25 order on her constructive discharge claim is that the Suggestions Memo contains  
26 instructions from Joy St. Germain, Director of Employee Services, to Ken Slattery  
27 ("Slattery") on how to deal with Satter pending the investigation and thereby "answers  
28


1 the court's question of what were objective criteria for reasonable and tolerable working  
2 conditions that were commensurate with the allegations against [Satter], balanced against  
3 the [Department of Ecology's] right to conduct a fair and impartial investigation." Dkt.  
4 84 at 2-3. In addition, Satter argues that the Court should reconsider its *Pickering*  
5 analysis of her prior restraint claim based on the Suggestions Memo because the objective  
6 criteria contained in the memo shows that the restrictions placed on Satter were not  
7 reasonable to effectuate Defendants' interests in light of the circumstances. Dkt. 81 at 10-  
8 12.

9 Satter's arguments are flawed for two reasons. First, according to Defendants and  
10 the declarations of Department of Ecology employees involved, this Suggestions Memo  
11 contained just that, suggestions, and was not a list of instructions to Slattery. *See* Dkts.  
12 89, 90, 91 & 92. Second, even if the Court considered the memo's suggestions as  
13 instructions, it does not change the Court's analysis of the constructive discharge claim,  
14 that the working conditions Satter was ultimately subjected to were reasonable and  
15 tolerable under the circumstances (Dkt. 79 at 7-11) or the Court's conclusion under  
16 *Pickering*, that the restrictions placed on Satter were "reasonable to effectuate  
17 [Defendants'] interests in light of the circumstances." (Dkt. 59 at 10).

### 18 III. ORDER

19 Therefore, it is hereby **ORDERED** that Satter's motions for reconsideration (Dkts.  
20 81 & 84) are **DENIED** for the reasons stated herein.

21 DATED this 19th day of November 2010.

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25 BENJAMIN H. SETTLE  
26 United States District Judge  
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