1		HONORABLE RONALD B. LEIGHTON	
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6	UNITED STATES DISTRICT COURT WESTERN DISTRICT OF WASHINGTON AT TACOMA		
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9	PHILADELPHIA INDEMNITY INSURANCE COMPANY,	CASE NO. C12-5367-RBL	
10	Plaintiff,	ORDER DENYING PLAINTIFF'S MOTION TO REOPEN THE CASE AND MOTION TO AMEND	
11	v.		
12	NOTEWORLD, LLC,	(Dkt. #26, 28)	
13	Defendant.		
14	Plaintiff Philadelphia Indemnity Insurance Company issued two insurance policies to  Defendant NoteWorld, LLC. In this declaratory action, Philadelphia seeks a determination of its  coverage obligations under these policies. Consistent with each policy's binding arbitration  provision, the parties agreed to submit their dispute to arbitration. This Court stayed the  declaratory action pending the outcome of that arbitration.  Philadelphia now moves to reopen the case and lift the stay in light of a recent		
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	292 P.3d 118 (Wash. 2013). <i>WSDOT</i> held that RC		
<ul><li>21</li><li>22</li><li>23</li></ul>			

1 WSDOT is distinguishable from this case. In WSDOT, the insurer sought to force the 2 insured to arbitrate over the insured's objection. *Id.* at 119. The WSDOT decision therefore applies to an attempt by an insurer to impose arbitration on an unwilling insured. Here, the 3 insured, NoteWorld, willingly seeks to enforce the binding arbitration terms against the insurer, Philadelphia. Def.'s Reply, Dkt. #31 at 2. Thus, Philadelphia cannot rely on WSDOT to remove 5 this case from arbitration. 6 7 Further, Philadelphia and NoteWorld both agreed to arbitrate this case. Philadelphia did not contest NoteWorld's Motion to Compel Arbitration. Philadelphia also did not notify the 8 Court of the then-pending decision in WSDOT or seek a continuance pending the decision in 10 WSDOT. Instead, Philadelphia proposed the stipulation for binding arbitration, which was not 11 subject to any contingency. Dkt. #23. Philadelphia is therefore bound by its stipulation. 12 For these reasons, Philadelphia's Motion to Reopen the Case and Lift the Stay (Dkt. #26) 13 is **DENIED**. Its Motion to Amend (Dkt. #28) is **DENIED** as moot. 14 IT IS SO ORDERED. Dated this 23<sup>rd</sup> day of April, 2013. 15 16 17 RONALD B. LEIGHTON 18 UNITED STATES DISTRICT JUDGE 19 20 21 22 23 24