

1
2
3
4
5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT TACOMA

8 CHRISTINE RICHARDSON,

9 Plaintiff,

10 v.

11 GOVERNMENT EMPLOYEES
12 INSURANCE COMPANY,

13 Defendant.

CASE NO. C13-5855 BHS

ORDER DENYING MOTION
FOR RECONSIDERATION

14 This matter comes before the Court on Defendant Government Employees
15 Insurance Company's ("GEICO") motion for reconsideration (Dkt. 15). The Court has
16 considered the pleadings filed in support of the motion and the remainder of the file and
17 hereby denies the motion for the reasons stated herein.

18 **I. PROCEDURAL HISTORY**

19 On October 2, 2013, Richardson filed a motion to remand. Dkt. 6. On October
20 21, 2013, GEICO responded. Dkt. 8. On October 25, 2013, Richardson replied. Dkt. 9.
21 On November 1, 2013, GEICO filed a surreply (Dkt. 10) and the Declaration of Fiona
22

1 Hunt (“Hunt Dec.”) (Dkt. 11). On November 4, 2013, the Court requested a response to
2 GEICO’s surreply (Dkt. 12), which Richardson filed on November 8, 2013 (Dkt. 13).

3 On November 21, 2013, the Court granted Richardson’s motion. Dkt. 14. On
4 December 3, 2013, GEICO filed a motion for reconsideration (Dkt. 15) and the
5 Declaration of Erica Lawrence (Dkt. 16).

6 II. DISCUSSION

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

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

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

14 In this case, GEICO moves for reconsideration on both grounds. First, GEICO
15 contends that Ms. Hunt’s declaration is sufficient to meet its burden to establish
16 jurisdiction. GEICO asserts that

17 Ms. Hunt’s declaration states that the Summons and Complaint accurately
18 shows a stamp indicating that GEICO received a copy of the Summons and
19 Complaint on August 30, 2013, and that this stamp reflects the first date of
20 service upon GEICO.

21 Dkt. 15 at 2–3. Ms. Hunt’s knowledge, however, was based on GEICO’s policy and
22 procedure to immediately open and stamp mail. Hunt Dec., ¶ 5. The Court rejected this
general statement evidence as sufficient to meet GEICO’s burden, and the Court finds
that this was not manifest error.

1 With regard to GEICO's other ground, the new evidence could have been brought
2 to the Court's attention with reasonable diligence. GEICO has failed to make any
3 showing that it could not have obtained this evidence and have timely submitted it with
4 either its response or its improper surreply. It would be fundamentally unfair to give
5 GEICO a third bite at the apple to meet its burden.

6 **III. ORDER**

7 Therefore, it is hereby **ORDERED** that GEICO's motion for reconsideration (Dkt.
8 15) is **DENIED**.

9 Dated this 9th day of December, 2013.

10 

11
12 **BENJAMIN H. SETTLE**
13 United States District Judge
14
15
16
17
18
19
20
21
22