

1 moving forward absent an updated study underlying his linear regression analysis, but
2 this does not constitute a basis for reconsideration of the Court’s order denying class
3 certification.

4 Plaintiffs’ additional arguments regarding the predominance and superiority
5 inquiries on its motion for class certification are merely a restatement of the arguments
6 made in their original motion and pleadings. These arguments do not point to any
7 particular evidence that was overlooked or manifest error by the Court and do not
8 constitute grounds for reconsideration. Nonetheless, the Court will address Plaintiffs’
9 repeated reliance on *Moeller v. Farmers Ins. Co.*, 173 Wn.2d 264, 280 (2011). Plaintiffs
10 are correct that the decision in *Moeller* rejected the argument that apparent difficulties in
11 assessing an accurate estimate of class-wide damages resulting from possible prior
12 accidents should preclude class certification. However, this case is easily distinguished
13 from *Moeller*. As noted in the Court’s previous order, cases such as this where an insurer
14 has claim-filing procedures and recognizes its duty to compensate diminished value
15 claims stand in stark contrast to the circumstances in *Moeller*, where the insurer
16 necessarily denied compensation to all its insureds with UIM policies on the mistaken
17 basis that diminished value was not covered. *See Moeller*, 173 Wn.2d at 269–77.
18 Moreover, Plaintiffs’ argument regarding the Court’s purported error in mistaking issues
19 of damages calculations for issues that bear on liability fails to address other bases of the
20 Court’s determination that common questions do not predominate the claims of the
21 individual class members. *See* Dkt. 82 at 19–21.

1 Therefore, it is hereby **ORDERED** that Plaintiffs' motion for reconsideration
2 (Dkt. 83) is **DENIED**.

3 Dated this 14th day of February, 2018.

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6 BENJAMIN H. SETTLE
7 United States District Judge
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