

2013 WL 4083317

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United States District Court, W.D. Washington,  
at Tacoma.

Randy and Monica GAROUTTE, Plaintiffs,

v.

AMERICAN FAMILY MUTUAL  
INSURANCE COMPANY, Defendant.

No. C12-1787 BHS. | Aug. 12, 2013.

#### Attorneys and Law Firms

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Michael T. Watkins, George W. Mclean, Jr., Law Offices of  
George W. McLean Jr., Seattle, WA, for Plaintiffs.

Rory W. Leid, III, Jennifer P. Dinning, Cole Wathen Leid &  
Hall, Seattle, WA, for Defendants.

#### Opinion

### ORDER DENYING DEFENDANT'S MOTION FOR RECONSIDERATION

BENJAMIN H. SETTLE, District Judge.

\*1 This matter comes before the Court on American Family Insurance Company's ("American Family") motion for reconsideration (Dkt.52). The Court has considered the pleadings filed in support of the motions and the remainder of the file and hereby denies American Family's motion for the reasons stated herein.

#### I. PROCEDURAL HISTORY

On September 8, 2012, the Garouttes filed a complaint in King County Superior Court for the State of Washington. Dkt. 1, ¶ 1.

On October 11, 2012, American Family removed the matter to this Court. Dkt. 1.

On April 9, 2013, the Garouttes filed an Amended Complaint alleging that American Family did not fully compensate them under the contract of insurance and asserting causes of action for violations of the Washington Administrative Code 284-

30-300, *et seq.*, the Washington Consumer Protection Act ("CPA"), RCW Chapter 19.86, bad faith, and violations of the Washington Insurance Fair Conduct Act, RCW 48.30.015. Dkt. 30.

On June 3, 2013, American Family filed a motion for partial summary judgment. Dkt. 33. On June 24, 2013, the Garouttes responded. Dkt. 39. On June 28, 2013, American Family replied. Dkt. 45.

On June 6, 2013, the Garouttes filed a motion for partial summary judgment. Dkt. 35. On June 24, 2013, American Family responded. Dkt. 42. On June 28, 2013, the Garouttes replied and included a motion to strike material American Family submitted with its response. Dkt. 48.

On July 23, 2013, the Court denied American Family's motion and granted the Garouttes' motion. Dkt. 50. On August 2, 2013, American Family filed a motion for reconsideration of that order. Dkt. 52.

#### II. DISCUSSION

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

Motions for reconsideration are disfavored. The court will ordinarily deny such motions in the absence of a showing of manifest error in the prior ruling or a showing of new facts or legal authority which could not have been brought to its attention earlier with reasonable diligence. Local Rule CR 7(h)(1).

In this case, American Family moves for reconsideration on numerous aspects of the Court's order. Dkt. 52 at 2-7. American Family disagrees with the Court's conclusion that it had no reasonable basis for denying the Garouttes' additional living expenses and the consequences that flow from that conclusion. The Court declines to find that that conclusion was manifest error. Moreover, the conclusion was based on the facts of this case and none of the new authorities cited by American Family change these facts. Therefore, the Court **DENIES** the motion for reconsideration.

**IT IS SO ORDERED.**

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