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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

CASCADE YARNS, INC., a Washington  
corporation,

Plaintiff,

v.

KNITTING FEVER, INC., a New York  
corporation, et al.,

Defendant.

CASE NO. C10-861RSM

ORDER ON MOTION FOR  
RECONSIDERATION AND  
MOTION FOR LEAVE TO AMEND

This matter is before the Court for a ruling on plaintiff’s motion for partial reconsideration (Dkt. # 172), together with plaintiff’s alternative motion for leave to amend the complaint (Dkt. # 174). The Court deems it unnecessary to direct defendants to respond to the motion for reconsideration. As set forth below, the motion for reconsideration shall be denied, and the motion for leave to amend the complaint shall be granted.

(1) Motion for Reconsideration

Plaintiff asks for reconsideration of the Court’s January 3, 2011 Order dismissing some defendants, specifically as to dismissal of Jay Opperman. Dkt. # 161. Such motions are disfavored and will be denied 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. . . .” Local Rule CR 7(h)(1).

1 Plaintiff asserts that it was manifest error for the Court to decline to consider a  
2 declaration that was “part of the record” when the Court ruled on the motion to dismiss. Dkt. #  
3 113. However, the declaration to which plaintiff refers was filed three months after the motion  
4 to dismiss was fully ripe, and was filed in respect to a different motion. The briefing on the  
5 motion to dismiss was complete, except for the supplemental briefing that the Court requested as  
6 to different defendants. It would have been improper for the Court to consider this declaration in  
7 relation to the motion to dismiss. The Court so stated in its ruling. Dkt. # 161, p. 12, n. 4. The  
8 motion for partial reconsideration (Dkt. # 172) is accordingly DENIED.

9 (2) Motion for Leave to Amend the Complaint

10 Plaintiff asks, in the alternative, for leave to file a Second Amended Complaint to  
11 incorporate factual allegations which would support the Court’s jurisdiction over Mr. Opperman.  
12 Defendants’ opposition to this motion was not timely filed, and plaintiff asks the Court to  
13 disregard it. The Court has, however, reviewed the untimely response, and finds nothing therein  
14 to cause the Court to deny plaintiff’s motion. The motion for leave to amend (Dkt. # 174) is  
15 accordingly GRANTED. Plaintiff shall file the amended complaint within ten days of the date  
16 of this Order.

17 The filing of the second amended complaint shall moot the pending motion to dismiss  
18 filed by defendant Filatura Pettinata V.V.G. di Stefano Vaccari & C. (S.A.S.), Dkt. # 88. This  
19 defendant may renew its motion to dismiss by re-filing it after the amended complaint has been  
20 filed.

21 Dated February 15, 2011.

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24 RICARDO S. MARTINEZ  
UNITED STATES DISTRICT JUDGE