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2 UNITED STATES DISTRICT COURT  
3 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
4 OAKLAND DIVISION

5 OMID BEHJOU,

6 Plaintiff,

7 vs.

8 BANK OF AMERICA GROUP BENEFITS  
9 PROGRAM, BANK OF AMERICA HOME  
10 LOAN CORPORATION, BANK OF  
11 AMERICA CORPORATE BENEFITS  
12 COMMITTEE,

13 Defendants,

14 AETNA LIFE INSURANCE COMPANY,

15 Real Party in Interest,

Case No: C 10-03982 SBA

**ORDER**

16 The parties are presently before the Court on the parties' Joint Motion to Vacate  
17 Partial Summary Judgment Order, which is brought pursuant to Federal Rule of Civil  
18 Procedure 60(b)(6). Dkt. 77. The parties previously resolved their dispute at a settlement  
19 conference before Magistrate Judge Spero. In accordance with their settlement, the parties  
20 now request that the Court vacate its May 1, 2012 order on the parties' cross-motions for  
21 partial summary judgment. See Dkt. 65.<sup>1</sup>

22 Rule 60(b)(6) allows the Court to relieve a party from an order or final judgment  
23 "for any other reason that justifies relief." The Supreme Court has indicated that relief  
24 under this Rule generally requires a showing of "extraordinary circumstances." Liljeberg v.  
25 Health Servs. Acquisition Corp., 486 U.S. 847, 864 (1988) (quoting Klapprott v. United  
26 States, 335 U.S. 601, 614-15 (1949)). Here, while the parties' resolution of the action is


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28 <sup>1</sup> The parties indicate that the settlement is not dependent upon the issuance of an  
order vacating the May 1, 2012 Order.

1 laudable, it is not an extraordinary circumstance justifying vacating the Court's May 1,  
2 2012 order. Accordingly,

3 IT IS HEREBY ORDERED THAT the parties' Joint Motion to Vacate Partial  
4 Summary Judgment Order is DENIED. This Order terminates Docket 77.

5 IT IS SO ORDERED.

6 Dated: October 29, 2012

  
SAUNDRA BROWN ARMSTRONG  
United States District Judge

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