

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO**

Civil Action No. 08-cv-00898-DME-CBS

DAVID KEVIN WILL,  
  
Plaintiff,

v.

PARSONS EVERGREENE, LLC,  
  
Defendant.

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**ORDER VACATING DISMISSAL AND CONTINUING ADMINISTRATIVE CLOSURE**

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This matter is before the Court on Plaintiff David Will's motion to vacate the Court's order dismissing this action with prejudice. (Doc. 33.) Defendant Parsons Evergreene, LLC, has filed a response in opposition (Doc. 35), and Will, a reply (Doc. 36).

On December 19, 2008, the Court, acting pursuant to 9 U.S.C. § 3, stayed this litigation pending arbitration, and then ordered this case administratively closed pursuant to D.C.Colo.LCivR 41.2, "with leave to be reopened for good cause shown." (Doc. 27 at 12.) On January 4, 2010, this Court extended the administrative closure, ordering that "[t]he Court will dismiss the action with prejudice on January 3, 2011, without further notice to the parties, unless the Court, prior to that date, receives a request from the parties to continue the status of the case as administratively closed." (Doc.31 at 2.) Having not heard from the parties, the Court dismissed this action with prejudice on January 4, 2011. (Doc. 32.) Within six days of that dismissal, Will filed the

motion at issue here, noting that arbitration between the parties is ongoing and that the parties inadvertently failed to request a further extension of the administrative closure of this case. Will, therefore, asked the Court to vacate its dismissal and extend the administrative closure. (Doc. 33.) Treating Will's motion as one made pursuant to Fed. R. Civ. P. 59(e), the Court GRANTS that motion and VACATES the Court's earlier order dismissing this action with prejudice (Doc. 32).

The case will again remain administratively closed until January 3, 2012, or until such earlier time as the Court receives notice from the parties that the matter has been resolved. The Court will dismiss the action with prejudice on January 3, 2012, without further notice to the parties, unless the Court, prior to that date, receives a request from the parties to continue the status of the case as administratively closed.

Dated this 7th day of February, 2011.

BY THE COURT:

*s/ David M. Ebel*

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U. S. CIRCUIT COURT JUDGE