

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Robert E. Blackburn**

Civil Case No. 08-cv-02282-REB-CBS

COLONIAL SAVINGS, F.A., Federal Savings Association,

Plaintiff,

v.

PUBLIC SERVICE EMPLOYEES CREDIT UNION, doing business as PUBLIC SERVICE CREDIT UNION, a Colorado nonprofit corporation, NORLARCO CREDIT UNION, a Colorado nonprofit corporation, and THE NATIONAL CREDIT UNION ADMINISTRATION, as liquidating agent for Norlarco Credit Union,

Defendants.

ORDER DENYING MOTION TO ALTER OR AMEND JUDGMENT

Blackburn, J.

This matter is before me on the **Plaintiff's Motion To Alter or Amend Judgment and for New Trial** [#135] filed February 24, 2010. The defendants filed responses [#142 & #143], and the plaintiff filed replies [#146 & #147]. I deny the motion.

The plaintiff asks that I alter or amend the judgment [#130] entered by this court on January 29, 2010. The judgment is based on my **Order Concerning Motions for Summary Judgment** [#129] filed January 27, 2010. The plaintiff brings its motion under FED. R. CIV. P. 59. Specifically, FED. R. CIV. P. 59(e) provides for a motion to alter or amend a judgment. The primary bases for a motion under Rule 59(e) are:

(1) an intervening change in the controlling law, (2) new evidence previously unavailable, and (3) the need to correct clear error or prevent manifest injustice.

Servants of the Paraclete v. Does, 204 F.3d 1005, 1012 (10th Cir. 2000) (citations omitted).

The plaintiff argues that the reasoning in my **Order Concerning Motions for Summary Judgment** [#129] filed January 27, 2010, contains “an inherent conflict” and argues that, if that conflict is resolved properly, the provisions of one of the agreements at issue in this case, referred to as the Servicing Agreement, are binding against defendant Public Service Employees Credit Union. Based on the plaintiff’s arguments in its present motion, I conclude that the plaintiff asserts a “need to correct clear error or prevent manifest injustice” as the basis for its motion. FED. R. CIV. P. 59(e). I have reviewed carefully the plaintiff’s motion [#135], the defendants’ responses [#142 & #143], and the plaintiff’s replies [#146 & #147]. I disagree agree with the plaintiff’s argument that the reasoning in my **Order Concerning Motions for Summary Judgment** [#129] filed January 27, 2010, contains “an inherent conflict” and that the purported conflict presents a need to correct clear error. Accordingly, the plaintiff’s motion to alter or amend must be denied.

THEREFORE, IT IS ORDERED that the **Plaintiff’s Motion To Alter or Amend Judgment and for New Trial** [#135] filed February 24, 2010, is **DENIED**.

Dated September 13, 2010, at Denver, Colorado.

BY THE COURT:



Robert E. Blackburn
United States District Judge