

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge John L. Kane

Civil Action No. **09-cv-938-JLK** (consolidated with **10-cv-765-JLK**)

JAMES P. TENNILLE, ROBERT SMET, ADELAIDA DELEON and YAMILET RODRIGUEZ, individually and on behalf of all others similarly situated,

Plaintiffs,

v.

**THE WESTERN UNION COMPANY, a Delaware Corporation, and
WESTERN UNION FINANCIAL SERVICES, INC.,**

Defendants.

MINUTE ORDER

Judge John L. Kane **ORDERS**

Plaintiffs' Motion to Certify the Western Union Company's Appeal as Frivolous (Doc. 153) is DENIED. The Court's view is that while any assertion on the part of The Western Union Company that it is entitled under the FAA to appeal the denial of WUFSI's Motion to Compel Arbitration is without merit, it is not clear the appeal is limited to that premise and therefore cannot be said to be frivolous.

Dated: January 13, 2012