

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
**Chief Judge Wiley Y. Daniel**

Civil Action No. 09-cv-01840-WYD-CBS

ROBIN VERNON;  
RORY PATRICK DURKIN; and  
BRYAN SANDQUIST, on behalf of themselves and all others similarly situated,

Plaintiffs,

v.

QWEST COMMUNICATIONS INTERNATIONAL, INC., a Delaware corporation;  
QWEST SERVICES CORPORATION, a Colorado corporation;  
QWEST CORPORATION, a Colorado corporation;  
QWEST COMMUNICATIONS CORPORATION, a Delaware corporation; and  
QWEST BROADBAND SERVICES, INC., a Delaware corporation,

Defendants.

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**ORDER**

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THIS MATTER comes before me on Plaintiffs' Motion for Relief From Court's Order Granting Defendants' Motion to Stay and Requesting Leave to Respond to Defendants' Motion to Stay [ECF No. 111], filed September 30, 2010. I have also considered Defendants' Opposition to Plaintiffs' Motion [ECF No. 112], filed October 25, 2010, and Plaintiffs' Reply [ECF No. 113], filed November 1, 2010.

Rule 60(b) permits the Court to reconsider an order due to, among other things, a substantive mistake of law or fact by the Court, Fed.R.Civ.P. 60(b)(1), newly discovered evidence, Fed.R.Civ.P. 60(b)(2), or as a result of "any other reason that justifies relief." Fed.R.Civ.P. 60(b)(6). Relief under Rule 60(b) is appropriate, however, only in

extraordinary circumstances. See *Massengale v. Oklahoma Bd. of Examiners in Optometry*, 30 F.3d 1325, 1330 (10th Cir.1994).

Plaintiffs have failed to demonstrate that extraordinary circumstances merit reconsideration of my previous order. Plaintiffs moved for relief from my September 29, 2010 order in part on grounds that the order was issued prior to Plaintiffs filing a response to Defendants' motion to stay. That Plaintiffs did not respond prior to my order, however, was not the justification for granting the motion to stay. My September 29, 2010 Order was based on my review of the relevant law and the interests of justice. Because I do not find that my previous order misapprehended the facts or the controlling law, Plaintiffs' motion is **DENIED**.

Dated: December 2, 2010

BY THE COURT:

s/ Wiley Y. Daniel \_\_\_\_\_  
Wiley Y. Daniel  
Chief United States District Judge