

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
Senior District Judge Richard P. Matsch

Civil Action No. 10-cv-00800-RPM

ROBERT FRASER,

Plaintiff,

v.

AVAYA INC., a Delaware corporation, and  
THE AVAYA INC. SICKNESS AND ACCIDENT DISABILITY PLAN,

Defendants.

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ORDER DENYING MOTION FOR INTERIM AWARD OF ATTORNEYS' FEES

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On review of the pleadings filed relevant to the plaintiff's Motion for Interim Award of Attorneys' Fees, filed August 16, 2011, and upon the conclusion that this Court's Order on Third claim - ERISA, entered March 15, 2011, was based on procedural errors requiring a remand to permit the plaintiff to submit further support for his claim of disability is only a limited adjudication of the merits of this civil action, the value of which is not yet determinable, it is

ORDERED that the motion is denied.

Dated: October 5<sup>th</sup>, 2011

BY THE COURT:

s/Richard P. Matsch

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Richard P. Matsch, Senior District Judge