

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Philip A. Brimmer

Civil Action No. 10-cv-01411-PAB

In re:

DONALD A. GOOD,

Debtor,

DONALD A. GOOD,

Plaintiff,

v.

FIRST REVENUE ASSURANCE, LLC,

Defendant.

ORDER

This matter is before the Court on plaintiff Donald A. Good's "Unopposed Motion to Vacate Judgment" [Docket No. 9]. In plaintiff's brief filing, he notes that defendant First Avenue Assurance, LLC did not respond to the initial filing in this case due to its own internal miscommunication. Plaintiff then informs the Court that First Avenue "has indicated that it may wish to contest the matter" and that "[p]laintiff would like to give Defendant the opportunity to do so." Unopposed Mot. to Vacate J. [Docket No. 9] at 1. To date, defendant has not attempted to "contest the matter." Plaintiff's speculation in that regard is an insufficient basis under Federal Rule of Civil Procedure 60(b) for vacating the Court's judgment. If and when defendant does, in fact, decide to contest the matter by filing its own Rule 60 motion, the Court will take up its arguments then.

Accordingly, it is

ORDERED that plaintiff Donald A. Good's Unopposed Motion to Vacate Judgment [Docket No. 9] is DENIED without prejudice.

DATED September 14, 2010.

BY THE COURT:

s/Philip A. Brimmer
PHILIP A. BRIMMER
United States District Judge