

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
LEWIS T. BABCOCK, JUDGE

Civil Action No. 10-cv-02464-LTB-BNB

COMMUNICATION WORKERS OF AMERICA,

Plaintiff,

v.

AVAYA, INC.,

Defendant.

ORDER

This case is before me on the Remand and Mandate issued by the Tenth Circuit Court of Appeals in the above-captioned case.

The Tenth Circuit concluded that “For the foregoing reasons, we REVERSE the district court’s Order compelling arbitration and REMAND for resolution consistent with this opinion.” Immediately preceding that ruling, the Tenth Circuit Court of Appeals stated “The district court should have denied CWA’s motion to compel arbitration and dismissed the case.” The clear holding of the Tenth Circuit Court of Appeals and the direction on remand under the mandate is that CWA’s Motion to Compel Arbitration be denied and this case dismissed. Accordingly

IT IS ORDERED that CWA’s Motion to Compel Arbitration is DENIED and the above action is DISMISSED with costs awarded the Defendant.

BY THE COURT:

s/Lewis T. Babcock
LEWIS T. BABCOCK, JUDGE

DATED: October 4, 2012