

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO**

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

COMMUNICATION WORKERS OF AMERICA,

Plaintiff,

v.

AVAYA, INC.,

Defendant.

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**FINAL JUDGMENT**

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Pursuant to and in accordance with Fed. R. Civ. P. 58(a) and the Order entered by the Honorable Lewis T. Babcock on October 4, 2012, and incorporated herein by reference as if fully set forth, the following Final Judgment is entered.

IT IS ORDERED that, pursuant to the Remand and Mandate issued by the Tenth Circuit Court of Appeals in the above-captioned case, it is

FURTHER ORDERED that CWA's Motion to Compel Arbitration is DENIED and the above action is DISMISSED. It is

FURTHER ORDERED that Defendant Avaya, Inc. shall have its costs by the filing of a Bill of Costs with the Clerk of this Court within fourteen days of the entry of judgment.

DATED at Denver, Colorado this 5<sup>th</sup> day of October, 2012.

FOR THE COURT:  
JEFFREY P. COLWELL, CLERK

By: s/ Edward P. Butler  
Edward P. Butler, Deputy Clerk