

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
Judge Robert E. Blackburn**

Civil Action No. 11-cv-00968-REB-KLM

KATHLEEN CHYTKA,

Plaintiff,

v.

WRIGHT TREE SERVICE, INC.,

Defendant.

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**ORDER DENYING MOTION**

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**Blackburn, J.**

The matter is before me on the plaintiff's untitled, *pro se* motion [#487]<sup>1</sup> filed October 1, 2015.<sup>2</sup> After reviewing the motion, the record, and the apposite law, I conclude that the motion should be denied.

In a 13 page rant Ms. Chytka continues her morbid preoccupation with her ongoing idee fixe that she has been wronged by the court. Whether viewed as a motion to reconsider or a motion seeking relief from a judgment or order, Ms. Chytka fails to factually or legally circumstantiate a basis for relief.

On September 23, 2015, I entered an **Order Concerning Motion for Attorney**

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<sup>1</sup> “[#463]” is an example of the convention I use to identify the docket number assigned to a specific paper by the court's case management and electronic case filing system (CM/ECF). I use this convention throughout this order.

<sup>2</sup> Ms. Chytka is proceeding *pro se*. Thus, I continue to construe her pleadings and other filings more liberally and hold them to a less stringent standard than formal pleadings or papers drafted by lawyers. See *Erickson v. Pardus*, 551 U.S. 89, 94 (2007); *Andrews v. Heaton*, 483 F.3d 1070, 1076 (10th Cir. 2007); *Hall v. Bellmon*, 935 F.2d 1106, 1110 (10th Cir. 1991).

**Fees** [#485] in which, *inter alia*, I awarded the defendant attorney fees and costs. The instant motion appears to be directed largely to that order. Viewed first as a possible motion to reconsider, I rehearse the familiar legal standard that the bases for granting reconsideration are extremely limited:

Grounds warranting a motion to reconsider include (1) an intervening change in the controlling law, (2) new evidence previously unavailable, and (3) the need to correct clear error or prevent manifest injustice. Thus, a motion for reconsideration is appropriate where the court has misapprehended the facts, a party's position, or the controlling law. It is not appropriate to revisit issues already addressed or advance arguments that could have been raised in prior briefing.

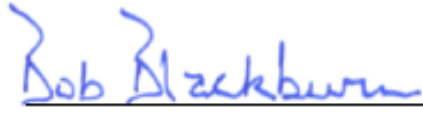
***Servants of the Paraclete v. Does***, 204 F.3d 1005, 1012 (10<sup>th</sup> Cir. 2000) (citations omitted). Ms. Chytka falls well short of establishing any of these bases for reconsideration

In the alternative, the motion could be construed as a motion for relief from an order under FED. R. CIV. P. 60(b). Rule 60(b) relief requires a showing of exceptional circumstances warranting relief from a judgment or order. ***Van Skiver v. United States***, 952 F.2d 1241, 1243 (10<sup>th</sup> Cir. 1991). A litigant shows exceptional circumstances by satisfying one or more of the grounds for relief enumerated in Rule 60(b). ***Id.*** at 1243-44. Ms. Chytka does not circumstantiate any of the grounds for relief enumerated in Rule 60(b).

**THEREFORE, IT IS ORDERED** that the defendant's motion to the court in opposition, is denied.

Dated November 19, 2015, at Denver, Colorado.

**BY THE COURT:**

A handwritten signature in blue ink that reads "Bob Blackburn". The signature is written in a cursive style with a horizontal line underneath the name.

Robert E. Blackburn  
United States District Judge