

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

Civil Action No. 11-cv-02030-RPM

DIANE DAVID,

Plaintiff,

v.

SIRIUS COMPUTER SOLUTIONS,

Defendant.

ORDER DENYING PLAINTIFF'S MOTION FOR RECONSIDERATION

The Court has reviewed Plaintiff Diane David's Motion for Partial Relief from Order and Reconsideration of Denial of Prejudgment Interest ("Motion for Reconsideration") [Doc. 81] and the parties' briefing on Defendant Sirius Computer Solutions' emergency motion to declare David's Motion for Reconsideration as moot [Doc. 87]. The Court concludes that David's Motion for Reconsideration is untimely under Federal Rule of Civil Procedure 59(e), and therefore was ineffective to toll her Notice of Appeal. Filing a notice of appeal transfers the matter from the district court to the court of appeals. Burke v. Utah Transit Auth. & Local 382, 462 F.3d 1253, 1264 (10th Cir. 2006). Although this Court retains jurisdiction over collateral matters, prejudgment interest, the issue to which David's appeal pertains, is not collateral. Garcia v. Burlington N. R.R. Co., 818 F.2d 713, 721 (10th Cir. 1987).

Upon the foregoing, it is

ORDERED that Plaintiff Diane David's Motion for Partial Relief from Order and Reconsideration of Denial of Prejudgment Interest [Doc. 81] is denied for lack of jurisdiction.

Dated: April 22, 2014.

BY THE COURT:

s/Richard P. Matsch

Richard P. Matsch
Senior District Judge