

---

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

---

**BENJAMIN VIENT,**

**Plaintiff,**

**vs.**

**ANCESTRY,**

**Defendant,**

**MEMORANDUM DECISION  
AND ORDER**

**Case No. 2:19-CV-51-DAK**

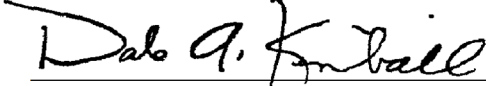
**Judge Dale A. Kimball**

---

This matter is before the court on Plaintiff's Motion for Relief Under Federal Rule of Civil Procedure 60(a) [ECF No. 94]. Plaintiff states that the court's prior order on a prior motion for relief from judgment mistakenly overlooked the fact that his motion was under Rule 60(a), not Rule 60(b). Plaintiff's prior motion stated that it was under Rule 60(a), which is for clerical mistakes or an oversight or omission. But the motion made substantive arguments akin to a Rule 60(b) motion. Because the substance of Plaintiff's prior motion was a Rule 60(b) motion, the court analyzed it under Rule 60(b). To the extent that Plaintiff believes the court should have analyzed his motion under the more restrictive grounds for relief under the Rule 60(a), there were no grounds for asserting that there was a clerical mistake or mistake arising from oversight or omission in the court's previous rulings. The court fully analyzed Plaintiff's motion in the prior order and explained that there were no grounds for finding a mistake. The lack of mistake would apply equally under Rule 60(a) or 60(b). Accordingly, Plaintiff's Motion for Relief Under Federal Rule of Civil Procedure 60(a) is DENIED.

DATED this 29th day of June, 2021.

BY THE COURT:

  
\_\_\_\_\_  
DALE A. KIMBALL,  
United States District Judge