

**ORDER OF THE STATE PERSONNEL BOARD REGARDING COMPLAINANT'S
MOTION TO VACATE JUDGMENT PURSUANT TO C.R.C.P. 60(b)**

RANDY PFAFF,

Complainant,

vs.

DEPARTMENT OF CORRECTIONS,

Respondent.

This matter is before the Colorado State Personnel Board ("Board") at its regularly scheduled public session held on February 21, 2006. During this public session, the Board considered:

1. Motion to Vacate Judgment Pursuant to C.R.C.P. 60(b);
2. Respondent's Response in Opposition to Motion to Vacate Judgment Pursuant to C.R.C.P. 60(b) and included Motion for Attorney fees and Costs;
3. Complainant's Withdrawal of Motion to Vacate Judgment Pursuant to C.R.C.P. 60(b);
4. Respondent's Response to Complainant's Withdrawal of Motion to Vacate Judgment Pursuant to C.R.C.P. 60(b).

Based upon the Board's review and consideration,

IT IS HEREBY ORDERED that: (1) Complainant's Withdrawal of Motion to Vacate Judgment Pursuant to C.R.C.P. 60(b) is granted; and (2) Attorney fees and costs are assessed against Complainant's counsel and awarded to Respondent for costs incurred in the preparation of Respondent's response to Complainant's Motion to Vacate, pursuant to C.R.C.P. 11 and 121, Section 1-15(8). The award of fees and costs is specifically assessed against counsel for Complainant and is not intended to be charged to or paid by Complainant in this case. This matter shall be remanded to the Administrative Law Judge for a hearing to determine the amount of attorney fees and costs.

Dated this _____ day of
March, 2006.

John Zakhem, Board Chair
State Personnel Board
633 17th Street, Suite 1320
Denver, Colorado 80202-3604

NOTICE OF APPEAL

Each party has the following rights:

1. To abide by this decision of the State Personnel Board; or
2. To appeal this decision to the Colorado Court of Appeals within 45 days pursuant to Section 24-4-106(11), C.R.S., as provided in Section 24-50-125.4(3), C.R.S.

In the event the decision is appealed, pursuant to Section 24-4-106(11)(b), C.R.S., the party filing the appeal with the Court of Appeals must serve the State Personnel Board with a copy of the Notice of Appeal at: 633 17th Street, Suite 1320, Denver, Colorado 80202-3604. In addition to serving the State Personnel Board with a copy of the Notice of Appeal, the party filing the appeal with the Court of Appeals must name the State Personnel Board as a party (appellee) to the appeal. Section 24-4-106(11)(d), C.R.S.

CERTIFICATE OF MAILING

This is to certify that on the _____ day of March, 2006, I placed true copies of the foregoing **ORDER OF THE STATE PERSONNEL BOARD REGARDING COMPLAINANT'S MOTION TO VACATE JUDGMENT PURSUANT TO C.R.C.P. 60(b)**, in the United States mail, postage prepaid, addressed as follows:

Sandra L. Wright, Esquire
Post Office Box 746298
Arvada, Colorado 80006-6298

And in the interagency mail to:

Stacy L. Worthington
First Assistant Attorney General
Civil Litigation & Employment Law Section
1525 Sherman Street, 5th Floor
Denver, Colorado 80203