

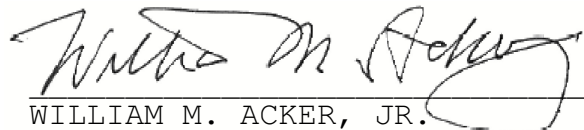
IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION

FRANK BLANKENSHIP,	}	
	}	
Plaintiff and	}	
Counter-defendant,	}	CIVIL ACTION NO.
	}	08-AR-0639-S
v.	}	
	}	
METROPOLITAN LIFE INSURANCE	}	
COMPANY,	}	
	}	
Defendant and	}	
Counterclaimant.	}	

**ORDER**

The court has before it an oral motion by defendant, Metropolitan Life Insurance Company, in which plaintiff, Frank Blankenship, joins. It was communicated to the court by telephone to a law clerk. The parties seek a vacation or withdrawal of the opinion of December 30, 2009, as amended, in consideration of Metropolitan Life Insurance Company's agreement not to appeal. The motion, if not contemptuous, is unlike any motion ever submitted to the undersigned during his twenty-eight years on the bench. It is DENIED.

DONE this 9th day of February, 2010.

  
 WILLIAM M. ACKER, JR.  
 UNITED STATES DISTRICT JUDGE