

**UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT**

RICHARD A. COLE, M.D.	:	
Plaintiff,	:	
	:	
v.	:	
	:	No. 3:97CV2271(DJS)
GENERAL ELECTRIC CO., ET AL.,	:	
Defendants.	:	
	:	

MEMORANDUM OF DECISION

Plaintiff Richard A. Cole (“Cole”) seeks relief from the judgment of this court finding in favor of the defendants, General Electric Company and the General Electric Company Employee Welfare Benefit Program (“GE”). The court’s ruling, dated January 16, 2004, ended Cole’s efforts to collect \$81,669 in reimbursement for services provided to GE employees and their dependents. Subsequently, on January 22, 2004, Cole filed a motion for relief from judgment pursuant to Federal Rule of Civil Procedure 60(b)(6).¹ The motion [**doc. #150**] is denied.

A motion pursuant to Rule 60(b)(6) is proper only when the asserted grounds for relief: a) are not recognized by paragraphs 1-5 of Rule 60 and b) rise to the level of extraordinary circumstances. Montco Inc. v. Barr (Matter of Emergency Beacon Corp.), 666 F.2d 754, 758-759 (2d Cir. 1981). “A motion for relief from judgment is generally not favored and is properly granted only upon a showing of exceptional circumstances.” United States v. International

¹Cole states that his motion is filed “pursuant to Federal Rule of Civil Procedure 60(b) where relief can be granted for any good cause.” The court presumes, and will treat accordingly, that this is a reference to Rule 60(b)(6) which permits relief for “any other reason justifying relief from the operation of the judgment.” F.R.C.P. 60(b)(6). The court notes that it is immaterial whether this was Cole’s intended basis for his motion, as he has failed to provide any evidence that would warrant relief on any other basis articulated in Rule 60(b).

Brotherhood of Teamsters, 247 F.3d 370, 391 (2d Cir. 2001). The party seeking relief bears the burden to show the necessary extraordinary or exceptional circumstances. Paddington Partners v. Bouchard, 34 F.3d 1132, 1142 (2d Cir. 1994).

Cole argues that the court misconstrued the evidence presented at trial and did not draw the correct legal conclusions from the facts that were presented. Cole also renews his arguments regarding the appropriate scope of review and the nature of the administrative record. There is nothing extraordinary or exceptional in any of Cole's claims. The simple fact that Cole does not agree with the court's application of the law is hardly an appropriate basis for relieving the court's judgment. Nor is Cole's unhappiness with the court's determination that he was not an entirely credible witness a sufficient ground for relief. The judicial system would grind to a halt if every defeated litigant were entitled to relief from judgment solely because he is unhappy that his case was lost.

Cole has provided the court with no adequate reason for affording him relief pursuant to either Rule 60(b)(6) or any other paragraph of Rule 60. The pending motion [**doc. #150**] is **DENIED**.

So ordered this 10th day of June, 2004.

/s/DJS

DOMINIC J. SQUATRITO
UNITED STATES DISTRICT JUDGE