UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-02802-REB-MEH

JEREMY C. MYERS;
WESTERN SALVAGE LTD.,

Plaintiffs,

v.

BRIAN KOOPMAN, Detective in the Loveland, Colorado Police Department in his official and individual capacity;
LUKE HECKER, Chief of Loveland Police Department, in his official and individual capacity;
DENNIS V. HARRISON, Chief of the Fort Collins Police Department, in his official and individual capacity;
JAMES A. ALDERDEN, Sheriff of Larimer County, Colorado, in his official and individual capacity;
CITY OF LOVELAND, a Colorado municipality;
CITY OF FORT COLLINS, Colorado, a municipality;
LARIMER COUNTY, a County, by and through the
LARIMER COUNTY BOARD OF COUNTY COMMISSIONERS;
LARRY ABRAHAMSON, District Attorney of the Eighth Judicial District in his official capacity; and
EIGHTH JUDICIAL DISTRICT OF COLORADO, a political subdivision of the State of Colorado,

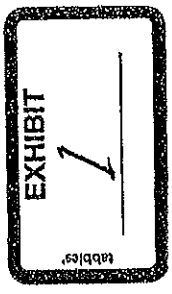
Defendants.

DECLARATION OF DENNIS V. HARRISON

I, Dennis V. Harrison, in accordance with the requirements of 28 U.S.C. § 1746, under penalty of perjury, hereby declare:

1. I am over the age of 18 years old, and this declaration is made upon my personal knowledge.

2. I am the Chief of Police for the Fort Collins Police Department ("FCPD"), and have held that position during all relevant times related to the above captioned lawsuit.



3. The FCPD is a member of the Northern Colorado Drug Task Force ("NCDTF"). FCPD's involvement in NCDTF investigations are coordinated and supervised by a designated FCPD Lieutenant. The designated FCPD Lieutenant works with the NCDTF Executive Officer Board to provide the NCDTF with assistance and resources when requested.

4. I was not aware of, nor notified of the NCDTF search of the premises located at 1101 North Madison Street, Loveland, Colorado on September 6, 2007 prior to its execution.

5. I had no knowledge of Loveland Police Detective Brian Koopman's investigation, application for a search warrant, execution of the search warrant or any other information about this lawsuit prior to September 6, 2007.

6. I neither participated in the search of the premises located at 1101 North Madison Street, Loveland, Colorado, nor did I direct or supervise any other individual who did perform the search of said premises on September 6, 2007.

7. I have not participated in any way with the arrest and subsequent criminal prosecution of Jeremy C. Meyers.

Dated this 10th day of June, 2010.

Dennis V. Harrison

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 1:09-cv-02802-REB- MEH

JEREMY C. MYERS; and WESTERN SALVAGE LTD.,

Plaintiffs,

v.

BRIAN KOOPMAN, Detective in the Loveland, Colorado Police Department in his official and individual capacity;
LUKE HECKER, Chief of Loveland Police Department, in his official and individual capacity;
DENNIS V. HARRISON, Chief of the Fort Collins Police Department, in his official and individual capacity;
JAMES A. ALDERDEN, Sheriff of Larimer County, Colorado, in his official and individual capacity;
CITY OF LOVELAND, a Colorado municipality;
CITY OF FORT COLLINS, Colorado, a municipality;
LARIMER COUNTY, a County, by and through the
LARIMER COUNTY BOARD OF COUNTY COMMISSIONERS;
LARRY ABRAHAMSON, District Attorney of the Eighth Judicial District in his official capacity; and
EIGHTH JUDICIAL DISTRICT OF COLORADO, a political subdivision of the State of Colorado.

Defendants.

DEFENDANTS KOOPMAN AND HECKER'S REPLY IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT BASED UPON QUALIFIED IMMUNITY (DOCKET #56, FILED 04/29/2010)

DEFENDANTS Brian Koopman ("Koopman") and Luke Hecker ("Hecker"), by through their attorneys, WICK & TRAUTWEIN, LLC, and THE LOVELAND CITY ATTORNEY'S OFFICE, hereby submit the following Reply in support of their Motion for Summary Judgment Based Upon Qualified Immunity:

I. ARGUMENT AND LEGAL AUTHORITY

A. Introduction

Movants have not conceded that the constitutional rights they are alleged to have violated in each cause of action were "clearly established" under the totality of circumstances and facts known to movants at the time actions were taken by them affecting Plaintiffs. Plaintiffs, in their response brief, have wrongly assumed that Koopman and Hecker concede this point. The salient question "is whether the state of the law [at the time of the conduct] gave [defendants] fair warning that their alleged treatment of [plaintiffs] was unconstitutional." *Wilkins v. DeReyes*, 528 F.3d 790, 805 (10th Cir. 1008) ("'The relevant, dispositive inquiry in determining whether a right is clearly established is whether it would be clear to a reasonable officer that his conduct was unlawful in the situation he confronted.'"); *accord*, *Fogarty v. Gallegos*, 523 F.3d 1147, 1155 (10th Cir. 2008) ("'[t]he relevant, dispositive inquiry in determining whether a right is clearly established is whether it would be clear to a reasonable officer that his conduct was unlawful' under the circumstances presented.").

Notably, Plaintiffs have failed to even address the Tenth Circuit decision most factually similar to this case, *Jenkins v. Wood*, 81 F.3d 988 (10th Cir. 1996), which movants contend plainly demonstrates that the circumstances and situation they faced did anything but give them fair warning that their treatment of Plaintiffs was unconstitutional, thereby undermining the notion that Plaintiff's constitutional rights were clearly established, measured by the standard of whether it would have been clear to a reasonable officer that his conduct was unlawful in the situation confronting movants.

On the contrary, the qualified immunity defense "provides ample protection to all but the plainly incompetent or those who knowingly violate the law." *Malley v. Briggs*, 475 U.S. 335, 341 (1986). Moreover, "the Harlow standard . . . gives ample room for mistaken judgments . . . ." *Id.* at 343 (citing *Harlow v. Fitzgerald*, 457 U.S. 800 (1982)). Therefore, "[q]ualified immunity . . . 'operates to grant officers immunity for reasonable mistakes as to the legality of their actions.'" *Wilkins*, 528 F.3d at 800-01 (citing *Saucier v. Katz*, 533 U.S. 194 (2001)). "A mistake of law may be 'reasonable' where the circumstances 'disclose substantial grounds for the officer to have concluded he had legitimate justification under the law for acting as he did.'" *Holland v. Harrington*, 268 F.3d 1179, 1196 (10th Cir. 2001). "If the officer's mistake as to what the law requires is reasonable, . . . the officer is entitled to the immunity defense." *Id.*

Plaintiffs' response brief challenges the reasonableness of movants' decisions and behavior on the basis of 20/20 hindsight over alleged facts and circumstances not known to movants at the time steps were taken against Plaintiffs. However, the evaluation of constitutional deprivations "are evaluated for objective reasonableness *based upon the information the officers had when the conduct occurred.*" *Holland*, 268 F.3d at 1196 (emphasis added). "The 'reasonableness' of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight." *Graham v. Connor*, 490 U.S. 386, 396 (1989).

Thus, most of Plaintiffs' Statement of Facts and supporting affidavit details should be disregarded in analyzing and evaluating Koopman and Hecker's claim of entitlement to qualified immunity. Factors to be disregarded should include the alleged

facts that Plaintiff Myers allegedly never had a meth lab, been in the presence of meth or used meth; Myers never used the attic space for anything and was not in it at all during 2006-2007; Myers never discharged a firearm on the premises since 2005 and had never been questioned by any law enforcement officer regarding any claim that a discharge had occurred[1]; Myers had never had any complaint from any neighbor about discharge of firearms on the premises; the premises had been the subject of extensive vandalism, theft, burglary and gang graffiti since Plaintiff Myers' father and his business partner have owned the property; the Myerses took steps they believed to discourage trespassers, including painting warning signs on the buildings and spreading spent shell casings around the ground for that effect instead of to conceal and protect a drug operation on the premises; independent testing has allegedly proven that there has never been a meth operation on the property since Plaintiff Myers lived there; hair sample test results independently proved Plaintiff Myers had never used meth; a significant amount of traffic into the premises consisted of numerous individuals who share the road into Amalgamated Sugar with the Myerses; the "white building" where the jar of crystalline substance was found is not even owned by Plaintiffs; and the field test strips used by Koopman were unreliable and produced false positive results. These alleged facts and others – unknown to movants at the time the search warrant was obtained and executed and Plaintiff Myers subsequently arrested – cannot be used in

[1] The assertion by Plaintiff Myers in his Statement of Facts, ¶3, that he had never been questioned by any law enforcement officer regarding any claim that a firearm discharge had occurred on the premises is clearly inaccurate given the detailed investigation of a discharge of firearms in 2002 set forth in Exhibit B to Brian Koopman's Affidavit

retrospect to undermine movants' claims to qualified immunity based upon the situation and circumstances with which they were faced at the time actions were taken by them which Plaintiffs claim deprived them of their constitutional rights.

B. Summary Judgment and Probable Cause

In evaluating the existence of probable cause, the Court must consider whether the "'facts and circumstances within the officers' knowledge, and of which they have reasonably trustworthy information, are sufficient in themselves to warrant a man of reasonable caution in the belief that an offense has been or is being committed'". *Fogarty*, 523 F.3d at 1156. "[I]t does not matter whether the arrestee was later charged with a crime." *Id.* Therefore, "the determination whether it was objectively legally reasonable to conclude that a given search was supported by probable cause . . . will often require examination of the information possessed by the searching officials." *Anderson v. Creighton*, 483 U.S. 635, 641 (1987). Recognizing that "it is inevitable that law enforcement officials will in some cases reasonably but mistakenly conclude that probable cause is present . . . [but] in such cases those officials . . . should not be held personally liable," "[t]he relevant question . . . is the objective (albeit fact-specific) question whether a reasonable officer could have believed [Koopman's] search to be lawful, in light of clearly established law and the information the searching officers possessed." *Id.* These principles of qualified immunity permit Koopman to argue that he is entitled to summary judgment on the ground that, in light of the clearly established

---

submitted in support of his Motion for Summary Judgment Based Upon Qualified Immunity.

principles governing searches, he could, as a matter of law, reasonably have believed that the search of Plaintiffs' premises was lawful. *See id.*

Plaintiffs, on the other hand, confuse the lack of probable cause during the subsequent criminal proceeding once the Colorado Bureau of Investigation ("CBI") had determined that the seized substances were not illegal substances with the probable cause which existed when Koopman sought a search warrant. It is "[o]nly where the warrant application is so lacking in indicia of probable cause as to render official belief in its existence unreasonable . . . will the shield of immunity be lost." *Malley v. Briggs*, 475 U.S. 335, 344-45 (1986). The appropriate good faith inquiry is therefore "confined to the objectively ascertainable question whether a reasonably well-trained officer would have known that the search was illegal despite the magistrate's authorization." *Id.* (also establishing that the distinction between a search warrant and an arrest warrant would not make a difference in the degree of immunity accorded the officer who applied for the warrant, 475 U.S. at 344 n. 6). "Substantial weight" should also be accorded the judge's finding of probable cause (to support the search warrant) in determining whether Koopman will be personally liable for damages under Section 1983. *Malley*, 475 U.S. at 1099 (Powell, J., concurring in part and dissenting in part). Therefore, if officers of reasonable competence could objectively disagree on whether a warrant should have issued, "immunity should be recognized." *Malley*, 475 U.S. at 341. This holds true "even if later events establish that the target of the warrant should not have been arrested." *Bruner v. Baker*, 506 F.3d 1021, 1026 (10th Cir. 2007); *Beard v. City of Northglenn*, 24 F.3d 110, 114 (10th Cir. 1994) (White, J. (Ret.)).

Plaintiffs, relying upon *DeLoach v. Bevers*, 922 F.2d 618, 623 (10th Cir. 1990), argue that summary judgment must be denied because it is a jury question in a civil rights suit whether an officer had probable cause to arrest. Plaintiffs also rely upon *Asten v. City of Boulder*, 652 F.Supp.2d 1188, 1201 (D. Colo. 2009) and *Bruner*, *supra*, for the notion that where there is a question of fact or room for a difference of opinion about the existence of probable cause it is a proper jury question.

Nevertheless, *Asten* also recognizes that qualified immunity "shield[s] officials from harassment, distraction and liability when they perform their duties reasonably," 652 F.Supp.2d at 1199, and "the existence of probable cause may still be decided *as a matter of law* where there is only one reasonable determination regarding the issue." *Id.* at 2001 (emphasis added). The holding in *DeLoach*, *supra*, "is not intended to foreclose summary judgment in Fourth Amendment cases where there 'is no genuine issue of material fact' that the officers were not guilty of deliberate falsehood or reckless disregard for the truth." *Bruner*, 506 F.3d at 1028. Instead, "[p]robable cause exists if the facts and circumstances known to the officer warrant a prudent man in believing that the offense has been committed." *Asten*, 652 F.Supp. at 1200.

Judged from the perspective of a reasonable officer at the time, rather than with the 20/20 vision of hindsight Plaintiffs insist upon, and taking into account the facts and circumstances known to Koopman, as reflected in his affidavit by which he sought the no knock search warrant, it is obvious that a prudent man would have believed that the offenses Koopman suspected Plaintiff Myers of had been committed, given the extent of his investigation-based knowledge and reasonably trustworthy confidential informant

information articulated in his affidavit submitted to the district judge. Plaintiffs, on the other hand, have presented *no evidence* which even suggests that Koopman included false statements or omitted any facts knowingly or with reckless disregard for the truth rather than, *arguendo*, out of negligence or inadvertence. Under these circumstances, the Court would do well to conclude as a matter of law that Koopman did not violate Plaintiffs' constitutional rights when he presented the search warrant affidavit to a judge, resulting in the issuance of the no knock search warrant which led to Plaintiff Myers' arrest. *See Taylor v. Meacham*, 82 F.3d 1556, 1563 (10th Cir. 1996).

C. Plaintiffs' Claim of Unreasonable Search and Seizure

The foregoing arguments pertaining to probable cause which existed to support Koopman's affidavit submitted to the state district court in support of a request for a search warrant demonstrate that the totality of the facts and circumstances within Koopman's knowledge and of which he had reasonably trustworthy information was sufficient *in itself* to warrant a man of reasonable caution in the belief that an offense had been or was being committed, based upon the objective analysis standard outlined above. Once again, Plaintiffs insist upon arguing with 20/20 hindsight that the firearms and drugs situation on the premises in 2002 was somehow different than was reflected in the Larimer County Sheriff's incident report of which Koopman was knowledgeable, that the information provided by the confidential informant was ultimately proved to be inaccurate, and that a reasonable review of the video surveillance arranged by Koopman of the premises should have demonstrated to Koopman the fallacy of his conclusions. Plaintiffs further argue that all of Koopman's field tests produced false

positives as later shown by CBI results and that an even later independent professional evaluation of the property showed there was never any meth present. After relying upon and arguing the effects of alleged facts not known to (or reasonably knowable by) Defendants Koopman and Hecker before the search, seizure and arrest, Plaintiffs proceed to argue that Koopman did not have any probable cause to execute the search warrant. However, this is not the correct inquiry, as set forth above. When the factors now first brought to light by Plaintiffs in their brief and supporting affidavits are eliminated from the analysis, and the Court limits its review to the facts and circumstances which were present at the time the search warrant was obtained, it is evident that Koopman acted prudently based upon the information he then had derived from his own lengthy investigation and surveillance, as well as information from a previously reliable confidential informant consisting of extensive indicia of a meth lab, frequent visitation by known meth offenders, previous criminal activity at the premises, and a history of discharge of firearms at the premises, among other considerations. Affidavit of Brian Koopman at ¶¶ 4-7; ***Exhibit A2 through 5***. Indeed, there is only one reasonable determination regarding this issue – probable cause then existed.

D. <u>Plaintiffs' Claim of Malicious Prosecution</u>

Koopman's explanation in his summary judgment affidavit of the knowledge and circumstances possessed by and facing him and other law enforcement officers as they proceeded to serve the search warrant once it had already been obtained is consistent with the probable cause as set forth in Koopman's affidavit submitted to the state district judge requesting the search warrant be issued. The circumstances which posed a

threat to law enforcement officers and others was mentioned in the search warrant affidavit, and was simply more fully explained in the summary judgment affidavit. The factual circumstances surrounding the actual search warrant execution, giving rise to a dynamic SWAT entry operation, certainly allows Koopman to explain and attest to the decision to proceed with a SWAT entry without running afoul of the argument that the existence of probable cause for the search itself must be determined solely from the four corners of the search warrant affidavit.

Based upon the information which was available to Koopman at the time the search warrant was executed and the next day when Plaintiff Myers was arrested, it is beyond argument that probable cause then existed in the belief that Plaintiff Myers had committed a crime. The fact that Koopman was, *arguendo*, mistaken in his reasonable belief that a crime had occurred or was occurring is beside the point. Plaintiffs have completely failed to provide any *evidence* that Koopman knowingly or recklessly omitted exculpatory evidence or included false statements in the affidavit in support of his request for a search warrant. Without such evidence, Plaintiffs' malicious prosecution claim must fail as a matter of law when analyzed within the framework of and under the principles applicable to the defense of qualified immunity.

E. Plaintiff's Claim of Excessive Force

As with other claims for relief, Plaintiffs argue that Koopman could have done this or that and avoided a SWAT Team entry to execute the search warrant. This retrospective analysis, consisting of a lot of second guessing, overlooks that "'[t]he reasonableness' of a particular use of force must be judged from the perspective of a

reasonable officer on the scene, rather than with the 20/20 vision of hindsight." *Graham*, 490 U.S. at 396; *Fogarty*, 523 F.3d at 1160. "'Excessive force claims, like most other Fourth Amendment issues, are evaluated for objective reasonableness *based upon the information the officers had when the conduct occurred.*'" *Holland*, 268 F.3d at 1196 (emphasis added). A reasonable officer on the scene must consider his safety, as well as the safety of other officers and anyone else in the area which is exactly what Detective Koopman did (recall warning messages on the premises such as "Trespassers will be shot"). Police are also required to follow procedure in such instances and given that James Myers could not provide a definite account for the whereabouts of his son, Detective Koopman could not risk entry in any other manner.

The information Koopman had when he swore out the affidavit seeking the search warrant was such as caused not only him but also a disinterested state district judge to believe that probable cause existed to issue a "no-knock" search warrant which Koopman reasonably concluded needed to be served with the assistance of SWAT Team members. His affidavit for the no knock search warrant articulated numerous factors justifying his decision to enlist SWAT assistance, including the presence of "target spots" used on shooting targets for sighting in rifle scopes, threatening warnings painted on the buildings, the history of gunshots late at night coming from the property, plus a history of a weapon having been fired at juvenile trespassers in the past. Koopman Affidavit, Exhibit A-3 through 4. Reasonable officers could reach but one conclusion: service of the search warranted presented a potential danger to them and

others justifying the dynamic entry, notwithstanding James Myers' protestations to the contrary in his affidavit.

Plaintiffs' argument that the police entered a building not even owned by them does not undermine movants' entitlement to qualified immunity. If anything, it demonstrates that Plaintiffs lack standing to bring claims for constitutional violations in connection with the search of the so-called "white" building. In any event, the Fourth Amendment is not violated by a "mistaken execution of a valid search warrant on the wrong premises." *Graham*, 490 U.S. at 396 (citing *Maryland v. Garrison*, 480 U.S. 79 (1997)).

F. Plaintiffs' Claims Against Defendant Hecker for Failure to Train and Failure to Supervise

"As a general matter, §1983 does not recognize the concept of strict supervisor liability; the defendant's role has to be more than one of abstract authority over individuals who actually committed a constitutional violation." *Fogarty*, 523 F.3d at 1162. "To hold a supervisor liable under § 1983 . . . plaintiff must point to evidence that the supervisor participated in the constitutional violation at the time it occurred; that the supervisor knew about and acquiesced in the constitutional violation at the time it occurred; or that the supervisor's failure to supervise caused the constitutional violation." *Barton v. City and County of Denver,* 432 F.Supp.2d 1178, 1211 (D.Colo. 2006). "Liability of a supervisor under § 1983 must be predicated on the supervisor's deliberate indifference, rather than mere negligence. To be guilty of 'deliberate indifference', the defendant must know he is 'creating a substantial risk of . . . harm.'"

Green v. Branson, 108 F.3d 1296, 1302 (10th Cir. 1997) (citation omitted). The record in this case is devoid of any such evidence.

Here, it is undisputed that Hecker did not participate in the search, seizure of evidence or arrest of Plaintiff Myers. Hecker, in accordance with policy, merely approved the use of the Loveland SWAT Team in a supportive role to execute the no knock search warrant. Plaintiffs have presented no evidence that Hecker participated in, knew of or acquiesced in an alleged constitutional violation in the search and seizure or Plaintiffs' subsequent arrest. Plaintiffs have failed to demonstrate the existence of any evidence that tends to show that Hecker's failure to supervise the search, seizure and/or subsequent arrest caused the alleged constitutional violation. *At most*, Plaintiffs vaguely argue that Hecker negligently failed to supervise Koopman and other officers, but this is insufficient to demonstrate deliberate indifference and therefore entitles Hecker to summary judgment outright, and most certainly on the basis of qualified immunity. It cannot be concluded, based upon the evidence submitted through Plaintiffs' affidavits, that Hecker "set[ ] in motion a series of acts by others . . . , which he knew or reasonably should have known, would cause others to inflict the constitutional injury." *Fogarty*, 523 F.3d at 1164. Plaintiffs' reliance upon the Second Circuit's decision in *Hernandez v. Keane*, 341 F.3d 137, 145 (2nd Cir. 2003) cannot redeem Plaintiffs' failure to demonstrate the existence of evidence that would meet the applicable Tenth Circuit standards for imposing supervisory liability under Section 1983.

Moreover, Plaintiffs' arguments sprinkled throughout their brief that it is unfair for summary judgment to be granted against them before discovery is undertaken

overlooks that one of the purposes of qualified immunity is to protect governmental officials from the burdens of discovery where the law otherwise immunizes Defendants' objectively reasonable actions. Plaintiffs, lacking any evidence to demonstrate that Hecker acted unconstitutionally, sidestep this inadequacy by arguing that Hecker's signature to the Intergovernmental Agreement Regarding The Larimer County Drug Task Force somehow affirmatively links Hecker to the actions of his subordinates. The argument fails, however, given that the agreement itself imposes liability for the wrongful act of an officer on the "agency" assigning such personnel to the Task Force, not upon the chief of police. Plaintiffs' Exhibit 8 at p. 6, ¶10.

G. Plaintiffs' Claim of Conspiracy

Plaintiffs ineffectively cite several cases which set forth criminal conspiracy standards. Most of the decisions are from the Ninth Circuit, and all but two of them do not involve civil conspiracy standards and are not Section 1983 cases. The *Ting* case involved a conspiracy to cover up the events surrounding a shooting, clearly distinguishable from the instant case. The *Boyd* decision is distinguishable in that it involved an armed backup during an unconstitutional search constituting an "integral participation" of the police officers upon which liability could be based. The court there stated that "we required 'integral participation' by *each officer* as a predicate to liability." 374 F.3d at 780 (emphasis added).

Here, it is undisputed that Chief Hecker did not participate in any fashion in the search, seizure or subsequent arrest. This fails to meet applicable standards in the Tenth Circuit which, according to *Montoya v. Board of County Commissioners*, 506

F.Supp.2d 434, 443 (D. Colo. 2007), requires that, "[t]o state a section 1983 conspiracy claim, a plaintiff must demonstrate the alleged conspirators had a meeting of the minds and engaged in concerted action to violate the plaintiff's constitutional rights." (Citing *Gallegos v. City & County of Denver*, 984 F.2d 358, 364 (10th Cir. 1993)).

In the end, Plaintiffs claim that Hecker engaged in a conspiracy with Koopman and the other Defendants to deprive them of their constitutional rights "rests solely upon 'conclusory allegations' of the same, which are 'as a matter of law, insufficient to demonstrate conspiratorial nexus.'" *Montoya*, 506 F.Supp.2d at 444 (quoting *Sooner Prods. Co. v. McBride*, 708 F.2d 510, 512 (10th Cir. 1983)).

H. Conclusion

Defendants Koopman and Hecker are entitled to qualified immunity. Their request for summary judgment should be granted.

DATED the 3rd day of June, 2010.

WICK & TRAUTWEIN, LLC

By: *s/Kent N. Campbell*
Kent N. Campbell
Kimberly B. Schutt
323 S. College Avenue, Suite 3
Fort Collins, Colorado 80524
Telephone: (970) 482-4011
Fax: (970) 482-8929
kcampbell@wicklaw.com
kschutt@wicklaw.com
Attorneys for Defendants Brian Koopman, Luke Hecker and City of Loveland

LOVELAND CITY ATTORNEY'S OFFICE

By: *s/John R. Duval*
John R. Duval
500 East 3rd Street
Loveland, Colorado 80537
Telephone: (970) 962-2540
Fax: (970) 962-2900
duvalj@ci.loveland.co.us
Attorneys for Defendants Brian Koopman, Luke Hecker and City of Loveland

CERTIFICATE OF SERVICE

I hereby certify that on June 3, 2010, I electronically filed the foregoing **DEFENDANTS KOOPMAN AND HECKER'S REPLY IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT BASED UPON QUALIFIED IMMUNITY (DOCKET #56, FILED 04/29/2010)** with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following e-mail addresses:

Randall R. Meyers, Esq.
123 N. College Ave., Suite 330
Fort Collins, CO 80524
randymeyers@att.net
Attorney for Plaintiffs

Thomas J. Lyons, Esq.
Steven M. Hamilton, Esq.
Hall & Evans, LLC
1125 17th St., Suite 600
Denver, CO 80202
lyonst@hallevans.com
hamiltons@hallevans.com
Attorneys for Dennis V. Harrison and City of Fort Collins

George H. Hass, Esq.
Jeannine S. Haag, Esq.
William G. Ressue, Esq.
Larimer County Attorney
224 Canyon Ave., Suite 200
P.O. Box 1606
Fort Collins, CO 80522
george@hshh.com
jeannine@hshh.com
william@hshh.com
Attorneys for James A. Alderden, Larimer County, Larimer County Board of County Commissioners and Larry Abrahamson and Eighth Judicial District of Colorado

s/Kristi L. Knowles