

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Robert E. Blackburn

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

JEREMY C. MYERS,

Plaintiffs,

v.

BRIAN KOOPMAN, Detective in the Loveland, Colorado Police department, in his
individual capacity, and
CITY OF LOVELAND, Colorado, a municipality,

Defendants.

ORDER CONCERNING DEFENDANTS' MOTION TO DISMISS

Blackburn, J.

This matter is before me on the **Defendants' Motion To Dismiss Plaintiff's Amended Complaint** [#128]¹ filed March 11, 2011. The plaintiff filed a response [#135] and the defendants filed a reply [#136]. I grant the motion in part and deny it in part.

I. JURISDICTION

I have jurisdiction over this case under 28 U.S.C. § 1331 (federal question).

II. STANDARD OF REVIEW

In considering a motion under Fed. R. Civ. P. 12(b)(6), I must determine whether the allegations in the complaint are sufficient to state a claim within the meaning of Fed. R. Civ. P. 8(a). I must accept all well-pleaded allegations of the complaint as true.

McDonald v. Kinder-Morgan, Inc., 287 F.3d 992, 997 (10th Cir. 2002). "However,

¹ "[#128]" is an example of the convention I use to identify the docket number assigned to a specific paper by the court's case management and electronic case filing system (CM/ECF). I use this convention throughout this order.

conclusory allegations or legal conclusions masquerading as factual conclusions will not suffice to prevent a motion to dismiss." *Fernandez-Montes v. Allied Pilots Association*, 987 F.2d 278, 284 (5th Cir. 1993); *see also Ruiz v. McDonnell*, 299 F.3d 1173, 1181 (10th Cir. 2002) ("All well-pleaded facts, as distinguished from conclusory allegations, must be taken as true."), *cert. denied*, 538 U.S. 999 (2003). I review the challenged portion of a complaint to determine whether it "contains enough facts to state a claim to relief that is plausible on its face." *Ridge at Red Hawk, L.L.C. v. Schneider*, 493 F.3d 1174, 1177 (10th Cir. 2007) (quoting *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 570 (2007)); *see also Ashcroft v. Iqbal*, ___ U.S. ___, 129 S.Ct. 1937 (2009). "Thus, the mere metaphysical possibility that *some* plaintiff could prove *some* set of facts in support of the pleaded claims is insufficient; the complaint must give the court reason to believe that *this* plaintiff has a reasonable likelihood of mustering factual support for *these* claims." *Id.* (emphases in original).² Nevertheless,

² *Twombly* rejected and supplanted the "no set of facts" language of *Conley v. Gibson*, 355 U.S. 41, 45-46, 78 S.Ct. 99, 2 L.Ed.2d 80 (1957). The Tenth Circuit clarified the meaning of the "plausibility" standard:

"plausibility" in this context must refer to the scope of the allegations in a complaint: if they are so general that they encompass a wide swath of conduct, much of it innocent, then the plaintiffs "have not nudged their claims across the line from conceivable to plausible." The allegations must be enough that, if assumed to be true, the plaintiff plausibly (not just speculatively) has a claim for relief.

This requirement of plausibility serves not only to weed out claims that do not (in the absence of additional allegations) have a reasonable prospect of success, but also to inform the defendants of the actual grounds of the claim against them. "Without some factual allegation in the complaint, it is hard to see how a claimant could satisfy the requirement of providing not only 'fair notice' of the nature of the claim, but also 'grounds' on which the claim rests."

Robbins v. Oklahoma, 519 F.3d 1242, 1247-48 (10th Cir. 2008) (quoting *Twombly*, 127 S.Ct. at 1974; internal citations and footnote omitted).

the standard remains a liberal one, and "a well-pleaded complaint may proceed even if it strikes a savvy judge that actual proof of those facts is improbable, and that a recovery is very remote and unlikely." ***Dias v. City and County of Denver***, 567 F.3d 1169, 1178 (10th Cir. 2009) (quoting ***Twombly***, 127 S.Ct. at 1965) (internal quotation marks omitted).

III. FACTUAL ALLEGATIONS

In his amended complaint [#127], the plaintiff, Jeremy Myers, asserts a claim of malicious prosecution against the City of Loveland, Colorado, and Brian Koopman, a detective with the Loveland Police Department. Myers alleges that on September 5, 2007, Koopman executed an affidavit in support of a no knock search warrant which later was executed at a property that had been occupied by Myers. Myers alleges that Koopman "maliciously, intentionally and/or recklessly made false and misleading statements" in the affidavit. *Plaintiff's Amended Complaint and Jury Demand* [#127], ¶ 14. Allegedly, Koopman's false and misleading statements in the warrant affidavit included a representation that "an unnamed confidential informant indicated that a methamphetamine lab existed in the attic" of a building occupied by Myers, and that various other facts indicative of a methamphetamine lab existed on the premises. *Id.*, ¶ 14 (A) through (M). Myers alleges that Koopman knew that "the information given by his confidential informant . . . was false." *Id.*, ¶ 41(a). Koopman allegedly had two video surveillance cameras installed to monitor Meyer's property. Myers alleges that one camera was installed in late May 2007, and the other was installed in mid-August 2007. *Id.* ¶¶ 12, 13. According to Myers, the information captured by those cameras was inconsistent with much of the information contained in Koopman's affidavit. *Id.*, ¶ 15.

Myers alleges that on September 5, 2007, Koopman obtained a no-knock search warrant for Myers' property based on the allegedly false and malicious statements in Koopman's affidavit. On Thursday, September 6, 2007, members of the Larimer County Drug Task Force along with the Larimer County and Loveland SWAT teams executed the no-knock warrant at Myers' property. At the time of the search, seven field tests were conducted on suspected drugs found in the course of the search, and each test showed a false positive for the presence of an illegal drug. Myers alleges that Koopman "fabricated the results maliciously or the [test] strips were intentionally and/or improperly used to achieve a malicious pre-determined goal." *Id.*, ¶ 37(h). After the search was completed, Koopman allegedly prepared or endorsed an affidavit in support of a warrant for the arrest of Myers. *Id.*, ¶ 34. The affidavit allegedly contained false statements to support the issuance of an arrest warrant, and Koopman allegedly "acted maliciously, recklessly, knowingly, intentionally, willfully and wantonly" in preparing or endorsing the affidavit.

Myers was arrested on Friday, September 7, 2007, and was detained in the Larimer County Detention Center until Monday, September 10, 2007. Criminal charges were filed against Myers and several hearings were held in his criminal case between September 7, 2007, and November 15, 2007. Ultimately, testing conducted by the Colorado Bureau of Investigation demonstrated that no controlled substances were recovered from Myers' property or from the neighboring buildings that were searched on September 6, 2007. The district attorney dropped all charges against Myers on November 15, 2007.

IV. ANALYSIS

Myers brings his malicious prosecution claim under 42 U.S.C. § 1983, alleging violation of his rights under the Fourth and Fourteenth Amendments. Myers names Koopman and the City of Loveland as defendants. The elements of a malicious prosecution claim, applicable to a claim under § 1983 claim, are:

(1) the defendant caused the plaintiff's continued confinement or prosecution; (2) the original action terminated in favor of the plaintiff; (3) there was no probable cause to support the original arrest, continued confinement, or prosecution; (4) the defendant acted with malice; and (5) the plaintiff sustained damages.

Novitsky v. City Of Aurora, 491 F.3d 1244, 1258 (10th Cir. 2007). In the context of a § 1983 claim, however, a plaintiff also must establish the violation of one or more constitutional rights. ***See Mondragon v. Thompson***, 519 F.3d 1078, 1082 (2008) (§ 1983 claim for malicious prosecution ultimately must rest on the Constitution and not on common law). The defendants argue in their present motion that the Myers' allegations are not sufficient to state a claim on which relief can be granted. I agree in part and disagree in part.

A. Municipal Liability

The defendants argue that Myers' allegations do not support a municipal liability claim against the City of Loveland. A plaintiff suing a municipality under § 1983 for the actions of one of its police officers must prove: 1) that a municipal employee committed a constitutional violation; and 2) that a municipal policy or custom was the moving force behind the constitutional deprivation. ***Jiron v. City of Lakewood***, 392 F.3d 410, 419 (10th Cir. 2004). A municipality or other local government unit is liable for constitutional torts only if the alleged unconstitutional acts implement a policy, ordinance or custom of the local government. ***Monell v. Department of Social Services***, 436 U.S. 658, 690,

694 (1978); **Garcia v. Salt Lake County**, 768 F.2d 303, 308 & n.4 (10th Cir. 1985). A municipality is responsible under § 1983 only when the execution of a government policy or custom actually causes an injury of constitutional dimensions. **Monell**, 436 U.S. at 694; **see also D.T. v. Independent School District**, 894 F.2d 1176, 1187 (10th Cir. 1990) (plaintiff must prove direct nexus between constitutional tort and municipality's authorization or approval thereof, either expressly or otherwise, by the adoption of any plan or policy). "Proof of a single incident of unconstitutional activity is not sufficient to impose liability under **Monell**, unless proof of the incident includes proof that it was caused by an existing, unconstitutional municipal policy, which policy can be attributed to a municipal policymaker." **Oklahoma City v. Tuttle**, 471 U.S. 808, 823 (1985).

A municipal policy is a "policy statement, ordinance, regulation, or decision officially adopted and promulgated by [a municipality's] officers." An act committed by an official who has been delegated the power of "establishing final policy" will also constitute a municipal policy.

Novitsky, 491 F.3d 1244, at 1259 (citing **Pembaur v. City of Cincinnati**, 475 U.S. 469, 483 (1986)). A municipal custom is a persistent and widespread practice undertaken by municipal officials. **Lankford v. City of Hobart**, 73 F.3d 283, 286 (10th Cir. 1996).

In his response to the motion to dismiss, Myers argues that Koopman was in command of the no knock search and was the final decision maker for the City of Loveland. Myers relies on **Pembaur v. City of Cincinnati**, 475 U.S. 469 (1986) to support his argument that Koopman's decisions about the search and subsequent events constitute decisions by a final decision maker for the City of Loveland. Myers

argues that this authority effectively was delegated to Koopman by the Chief of Police. As final decision maker, Myers argues, Koopman executed unconstitutional policies and customs which violated Myers' rights.

"Municipal liability attaches only where the decisionmaker possesses final authority to establish municipal policy with respect to the action ordered." *Id.* at 481. Myers does not allege in the operative complaint that the Chief of Police had delegated to Koopman authority to establish final city policy about the search, nor does he allege other facts to support the contention that Koopman possessed final policy making authority for the city at the time of the search. Myers makes no allegation that the search was conducted in compliance with a widespread custom or practice of the City of Loveland. Even when the allegations in Myers' complaint are assumed to be true, those allegations do not state a claim for municipal liability against the City of Loveland. The motion to dismiss is granted as to the City of Loveland.

B. Fourteenth Amendment Claim

The defendants argue that Myers has not stated a malicious prosecution claim under the Fourteenth Amendment because all charges against Myers were dismissed before Myers was tried on those charges. Based on the law established by the United States Court of Appeals for the Tenth Circuit, I conclude that Myers has not stated a viable substantive due process claim under the Fourteenth Amendment. However, I conclude that Myers has stated a viable procedural due process claim under the Due Process Clause of the Fourteenth Amendment.

In *Taylor v. Meacham*, the United States Court of Appeals for the Tenth Circuit held that an allegedly wrongful arrest and seven-week detention can support a claim

under the Fourth Amendment, but does not support a Fourteenth Amendment substantive due process claim. 82 F.3d 1556, 1560 (10th Cir. 1996). In **Taylor**, the Tenth Circuit noted the dictum of the United States Supreme Court that the Fourth Amendment governs pretrial deprivations of liberty while substantive due process does not govern pretrial deprivations of liberty. *Id.* (citing **Albright v. Oliver**, 510 U.S. 266, 274 - 275 (1994) (plurality opinion)).

In **Pierce v. Gilchrist**, the Tenth Circuit acknowledged the distinction drawn in **Taylor** between the Fourth and Fourteenth Amendments. 359 F.3d 1279, 1287 n. 5 (10th Cir. 2004). In **Pierce**, however, the Tenth Circuit noted that a plaintiff asserting that he has been wrongfully detained based on “the fabrication of evidence by a government officer acting in an investigative capacity” may have claims implicating the Fourth and Fourteenth Amendments, depending on the circumstances. “The initial seizure is governed by the Fourth Amendment, but at some point after arrest, and certainly by the time of trial, constitutional analysis shifts to the Due Process Clause.” *Id.* at 1285 - 1286. The **Pierce** court concluded that it did not need to determine where the Fourth Amendment analysis ends and the Fourteenth Amendment analysis begins. *Id.* at 1286.

Myers’ claim involves only pretrial deprivation of liberty. All charges filed against Myers were dismissed about six weeks after he was arrested and prior to any trial on those charges. Given the Tenth Circuit’s decision in **Taylor**, I conclude that a Fourteenth Amendment substantive due process analysis is not applicable to Myers’ malicious prosecution claim. Even when the allegations in Myers’ complaint are assumed to be true, those allegations do not state a substantive due process claim

under the Fourteenth Amendment because Myers' allegations concern only a pretrial deprivation of liberty. The motion to dismiss is granted as to any Fourteenth Amendment substantive due process claim asserted by Myers.³

On the other hand, I conclude that Myers has stated a potentially viable Fourteenth Amendment procedural due process claim. In *Mondragon v. Thompson*, the Tenth Circuit acknowledged the distinction between a Fourth Amendment and Fourteenth Amendment analysis, as stated in *Pierce*. 519 F.3d 1078, 1082 (2008).

We have held that a plaintiff who claims that the government has unconstitutionally imprisoned him has at least two potential constitutional claims. "The initial seizure is governed by the Fourth Amendment, but at some point after arrest, and certainly by the time of trial, constitutional analysis shifts to the Due Process Clause." *Pierce v. Gilchrist*, 359 F.3d 1279, 1285-86 (10th Cir.2004). If he has been imprisoned without legal process he has a claim under the Fourth Amendment analogous to a tort claim for false arrest or false imprisonment. If he has been imprisoned pursuant to legal but wrongful process, he has a claim under the procedural component of the Fourteenth Amendment's Due Process Clause analogous to a tort claim for malicious prosecution. These torts are only analogies because § 1983 suits ultimately rest on the Constitution, not on state (or federal) common law. *Pierce*, 359 F.3d at 1285-88.

Id. The *Mondragon* court declined to determine precisely what distinguishes a Fourth Amendment claim from a Fourteenth Amendment claim in this context. *Id.* at 1083 n. 6.

In *Mondragon*, the court addressed primarily when the plaintiff's claims accrued for the purpose of the applicable statute of limitations. The defendants argue that the *Mondragon* court's analysis of the difference between claims under the Fourth and Fourteenth Amendments is dicta and otherwise is distinguishable from the present

³ I note that Myers' Fourth Amendment claim is dependent on the Fourteenth Amendment because the Fourth Amendment is applicable to state actors only via the Due Process Clause of the Fourteenth Amendment. See, e.g., *Mapp v. Ohio*, 367 U.S. 643, 660 (1961).

case. I disagree. The **Mondragon** court analyzed the precise types of claims asserted by the plaintiff to determine when those claims accrued. *Id.* at 1083. A determination of the basis and proper constitutional analysis of the plaintiff's claims was a necessary step in determining when those claims accrued. Therefore, the **Mondragon** court's analysis of the nature of the Fourth and Fourteenth Amendment claims at issue in that case constitutes holding.⁴

In this case, Myers alleges that he was jailed based on legal but wrongful process when Koopman obtained search and arrest warrants based on information that Koopman knew to be false and materially incomplete. Given the analysis of the Tenth Circuit in **Mondragon**, I conclude that Myers has stated a viable procedural due process claim under the Fourteenth Amendment. The defendants' motion to dismiss is denied as to Myers' Fourteenth Amendment procedural due process claim.

C. Fourth Amendment Claim

Addressing Myers' Fourth Amendment claim, the defendants argue that Myers has not alleged specific facts to support his contention that Koopman⁵ acted with malice in executing the affidavit in support of the no-knock search warrant, and in preparing or endorsing an affidavit in support of a warrant for Myers' arrest. I disagree. The defendants argue that Myers' allegations of malice are as general as they were in

⁴ Dicta are statements and comments in an opinion concerning some rule of law or legal proposition not necessarily involved in nor essential to determination of the case in hand. Holding consists of those propositions along the chosen decisional path or paths of reasoning that 1) are actually decided; 2) are based on the facts of the case; and 3) lead to the judgment. *Thompson v. Weyerhaeuser Co.*, 582 F.3d 1125, 1129 (10th Cir. 2009).

⁵ I do not address the issue of malice as it concerns the City of Loveland because I have concluded that the plaintiff's allegations do not state a claim on which relief can be granted against the City of Loveland.

Myers' original complaint [#1]. Addressing the original complaint, I concluded previously that Myers' allegations on the element of malice were not sufficient because Myers made generalized allegations applicable to a group of defendants. *Order Concerning Defendants' Motions To Dismiss* [#99], filed September 27, 2010, pp. 9 - 10. In his present complaint [#127], Myers makes specific factual allegations about Koopman's actions, knowledge of relevant facts, and motivations at key points in time relevant to Myers' malicious prosecution claim. *Plaintiff's Amended Complaint and Jury Demand* [#127], ¶¶ 14 - 16, 24 - 28, 37, 41. Assuming these specific factual allegations about Koopman to be true, it is plausible that Myers can establish the malice element of a Fourth Amendment malicious prosecution claim. The defendants' motion to dismiss is denied as to Myers' Fourth Amendment malicious prosecution claim.

D. Absolute Immunity

Finally, Koopman argues that he is entitled to absolute prosecutorial immunity to the extent Myers' malicious prosecution claim "focuses on Koopman's role in initiating and pursuing a criminal prosecution. . . ." *Motion to dismiss* [#128], p. 13.

[A] prosecutor is entitled to absolute immunity for those actions that cast him in the role of an advocate initiating and presenting the government's case. Absolute immunity, however, does not extend to those actions that are investigative or administrative in nature, including the provision of legal advice outside the setting of a prosecution.

Mink v. Knox, 613 F.3d 995, 999 (10th Cir. 2010). Pre-arrest review of a search warrant affidavit by a prosecutor, for example, does not fall within a prosecutor's role as an advocate and is not covered by prosecutorial immunity. ***Mink v. Suthers***, 482 F.3d 1244, 1262 (10th Cir. 2007). Given this law, and based on the allegations in the operative complaint, Koopman cannot be seen as having adopted the role of a

prosecutorial advocate and thereby gaining the benefit of prosecutorial immunity. The defendants' motion to dismiss based on the assertion of prosecutorial immunity is denied.

THEREFORE, IT IS ORDERED as follows:

1. That under FED. R. CIV. P. 12(b)(6), the **Defendants' Motion To Dismiss Plaintiff's Amended Complaint** [#128] filed March 11, 2011, is **GRANTED** as to the plaintiff's claim against defendant City of Loveland, Colorado, and the plaintiff's claim against the City of Loveland, Colorado, is **DISMISSED**;
2. That under FED. R. CIV. P. 12(b)(6), the **Defendants' Motion To Dismiss Plaintiff's Amended Complaint** [#128] filed March 11, 2011, is **GRANTED** to the extent that the plaintiff asserts a substantive due process claim under the Fourteenth Amendment;
3. That otherwise, the **Defendants' Motion To Dismiss Plaintiff's Amended Complaint** [#128] filed March 11, 2011, is **DENIED**;
4. That defendant City of Loveland, Colorado is **DROPPED** from this action, and the caption of this case is **AMENDED** accordingly; and
5. That the stay on discovery in this case is **LIFTED**.

Dated June 16, 2011, at Denver, Colorado.

BY THE COURT:


Robert E. Blackburn
United States District Judge

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

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

JEREMY C. MYERS,

Plaintiff,

v.

BRIAN KOOPMAN, in his individual capacity,

Defendants.

NOTICE OF APPEAL

Notice is hereby given that Brian Koopman, Defendant in the above named case, pursuant to 28 U.S.C. §1291 and the collateral order doctrine as applied to a denial of absolute immunity, see *Robinson v. Volkswagenwerk AG*, 940 F.2d 1369 (10th Cir. 1991), hereby appeals to the United States Court of Appeals for the Tenth Circuit from an Order Concerning Defendant's Motion to Dismiss entered in this action on June 17, 2011 [Docket #140].

DATED this 1st day of July, 2011.

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CERTIFICATE OF SERVICE

I hereby certify that on July 1, 2011, I electronically filed the foregoing Notice of Appeal with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following e-mail addresses:

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APPEAL, MAGR, NDISPO

**U.S. District Court
District of Colorado (Denver)
CIVIL DOCKET FOR CASE #: 1:09-cv-02802-REB -MEH**

Myers v. Koopman
Assigned to: Judge Robert E. Blackburn
Referred to: Magistrate Judge Michael E. Hegarty
Case in other court: Larimer County District Court,
09cv1137
Cause: 42:1983 Civil Rights Act

Date Filed: 12/01/2009
Jury Demand: Both
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

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TERMINATED: 03/03/2011

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Defendant

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Defendant

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Defendant

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Defendant

Larimer County Board of
Commissioners, The
TERMINATED: 02/11/2011

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Defendant

Brian Koopman
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capacity
TERMINATED: 03/03/2011

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Kent N. Campbell

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Date Filed	#	Docket Text
12/01/2009	<u>1</u>	NOTICE OF REMOVAL from Larimer County District Court, Case Number 09cv1137. (Filing fee \$ 350 Receipt Number 23888), filed by James (I) A. Alderden, James A. Alderden, Larimer County, Larimer County Board of Commissioners, The, Larry (I) Abrahamson, Larry Abrahamson, Eighth Judicial District of Colorado. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Supplemental Civil Cover Sheet, # <u>3</u> Receipt) (jak,) (Entered: 12/02/2009)
12/01/2009	<u>2</u>	COMPLAINT against all defendants, filed by Jeremy C. Myers, Great Western Salvage LTD. Text only entry-no document attached.(jak,) (Entered: 12/02/2009)
12/02/2009	<u>3</u>	ORDER REFERRING CASE to Magistrate Judge Michael E. Hegarty for non-dispositive matters by Judge Robert E. Blackburn on 12/02/09. (rebcd) (Entered: 12/02/2009)
12/02/2009	<u>4</u>	NOTICE re <u>1</u> Notice of Removal, <i>Consent to Notice of Removal</i> by Defendants City of Loveland, Brian (I) Koopman, Brian Koopman, Luke (I) Hecker, Luke Hecker (Campbell, Kent) (Entered: 12/02/2009)
12/02/2009	<u>5</u>	Stipulated MOTION for Extension of Time to File Answer or Otherwise Respond 2 by Defendants Dennis V. Harrison, James (I) A. Alderden, James A. Alderden, City of Loveland, City of Fort Collins, Larimer County, Larimer County Board of Commissioners, The, Larry (I) Abrahamson, Larry Abrahamson, Eighth Judicial District of Colorado, Brian (I) Koopman, Brian Koopman, Luke (I) Hecker, Luke Hecker, Dennis (I) V. Harrison, Plaintiffs Jeremy C. Myers, Great Western Salvage LTD. (Attachments: # <u>1</u> Proposed Order (PDF Only) Order (granting extension of time to answer or otherwise respond))(Campbell, Kent) Modified on 12/3/2009 to create linkage (sah2,). (Entered: 12/02/2009)
12/03/2009	<u>6</u>	MEMORANDUM regarding <u>5</u> Stipulated MOTION for Extension of Time to File Answer or Otherwise Respond filed by Luke Hecker, James (I) A. Alderden, Eighth Judicial District of Colorado, Jeremy C. Myers, Dennis V. Harrison, Brian Koopman, Brian (I) Koopman, Larry (I) Abrahamson, Dennis (I) V. Harrison, Larry Abrahamson, Luke (I) Hecker, Larimer County, Larimer County Board of Commissioners, The, Great Western Salvage LTD, James A. Alderden, City of Loveland, City of Fort Collins. Motion referred to Magistrate Judge Michael E. Hegarty by Judge Robert E. Blackburn on 12/03/09. TEXT ONLY ENTRY - NO DOCUMENT ATTACHED(rebcd) (Entered: 12/03/2009)
12/03/2009	<u>7</u>	MINUTE ORDER Scheduling Conference set for 2/1/2010 09:00 AM in Courtroom C203 before Magistrate Judge Michael E. Hegarty. By Magistrate Judge Michael E. Hegarty on 12/3/2009. (mehcd) (Entered: 12/03/2009)

		12/03/2009)
12/04/2009	<u>8</u>	MINUTE ORDER granting <u>5</u> the Stipulated Joint Motion for Extension of Time in which to Answer or Otherwise Plead. Defendants' answers or other responses due by 1/7/2010. By Magistrate Judge Michael E. Hegarty on 12/4/2009. (mehcd) (Entered: 12/04/2009)
12/04/2009	<u>9</u>	NOTICE of Entry of Appearance by Thomas J. Lyons on behalf of Dennis V. Harrison, City of Fort Collins, Dennis (I) V. Harrison (Lyons, Thomas) (Entered: 12/04/2009)
12/04/2009	<u>10</u>	NOTICE of Entry of Appearance by Steven M. Hamilton on behalf of Dennis V. Harrison (Hamilton, Steven) (Entered: 12/04/2009)
12/04/2009	<u>11</u>	NOTICE of Entry of Appearance by Steven M. Hamilton on behalf of Dennis V. Harrison, City of Fort Collins, Dennis (I) V. Harrison (Hamilton, Steven) (Entered: 12/04/2009)
01/06/2010	<u>12</u>	MOTION for Leave to File Excess Pages by Defendants James (I) A. Alderden, James A. Alderden, Larimer County, Larimer County Board of Commissioners, The, Larry (I) Abrahamson, Larry Abrahamson, Eighth Judicial District of Colorado. (Hass, George) (Entered: 01/06/2010)
01/06/2010	13	MEMORANDUM regarding <u>12</u> MOTION for Leave to File Excess Pages filed by Larimer County Board of Commissioners, The, Larimer County, James A. Alderden, James (I) A. Alderden, Eighth Judicial District of Colorado, Larry (I) Abrahamson, Larry Abrahamson. Motion referred to Magistrate Judge Michael E. Hegarty by Judge Robert E. Blackburn on 1/6/10. TEXT ONLY ENTRY - NO DOCUMENT ATTACHED(rebcd) (Entered: 01/06/2010)
01/07/2010	<u>14</u>	MOTION to Dismiss <i>Claims Against Defendants Brian Koopman, Luke Hecker and City of Loveland</i> by Defendants City of Loveland, Brian (I) Koopman, Brian Koopman, Luke (I) Hecker, Luke Hecker. (Campbell, Kent) Modified on 1/8/2010 to delete filers (gms,). (Entered: 01/07/2010)
01/07/2010	<u>15</u>	MINUTE ORDER granting <u>12</u> The County Defendants unopposed Motion for Leave to File Motion Exceeding Page. The County Defendants may exceed the page limitation by two pages and file a 17-page responsive pleading. By Magistrate Judge Michael E. Hegarty on 1/7/2010. (mehcd) (Entered: 01/07/2010)
01/07/2010	16	MOTION to Dismiss <i>All Claims Against James A. Alderden in his Official and Individual Capacity, Larimer County, Larimer County Board of County Commissioners, Larry Abrahamson in his Official Capacity, and the Eighth Judicial District</i> by Defendants James (I) A. Alderden, James A. Alderden, Larimer County, Larimer County Board of Commissioners, The, Larry Abrahamson, Eighth Judicial District of Colorado. (Hass, George) Modified on 1/8/2010 to delete Abrahamson as filer in his individual capacity(gms,). (Entered: 01/07/2010)

01/07/2010	<u>17</u>	MOTION for Joinder re <u>14</u> MOTION to Dismiss <i>Claims Against Defendants Brian Koopman, Luke Hecker and City of Loveland</i> Motion to Dismiss by Defendants Dennis V. Harrison, City of Fort Collins, Dennis (I) V. Harrison. (Hamilton, Steven) (Entered: 01/07/2010)
01/08/2010	<u>18</u>	Unopposed MOTION to Stay the Proceedings, including Vacating the <u>7</u> Scheduling Conference, pending Detmernation of the Motions to Dismiss by Defendants Dennis V. Harrison, City of Fort Collins, Dennis (I) V. Harrison. (Attachments: # <u>1</u> Proposed Order (PDF Only) Order) (Hamilton, Steven) Modified on 1/11/2010 to create linkage (sah2,). (Entered: 01/08/2010)
01/08/2010	<u>19</u>	Docket Annotation re: <u>17</u> MOTION for Joinder re <u>14</u> MOTION to Dismiss Claims Against Defendants Brian Koopman, Luke Hecker and City of Loveland. This document is not a motion to join, but is instead a joinder. Counsel has been requested to re-file using the correct event. Re: <u>14</u> MOTION to Dismiss Claims Against Defendants Brian Koopman, Luke Hecker and City of Loveland, this docket entry was modified to delete filers. Re: <u>16</u> MOTION to Dismiss All Claims Against James A. Alderden in his Official and Individual Capacity, Larimer County, Larimer County Board of County Commissioners, Larry Abrahamson in his Official Capacity, and the Eighth Judicial District. This docket entry was modified to delete Abrahamson as a filer in his individual capacity. Text only entry - no document attached (gms,) Modified on 1/11/2010 to correct typographical and spelling error (gms,). (Entered: 01/08/2010)
01/08/2010	<u>20</u>	MOTION for Leave to File Excess Pages by Defendants City of Loveland, Brian (I) Koopman, Brian Koopman, Luke (I) Hecker, Luke Hecker. (Campbell, Kent) (Entered: 01/08/2010)
01/08/2010	<u>21</u>	MEMORANDUM regarding <u>18</u> Unopposed MOTION to Stay <i>the Proceedings, including Vacating the Scheduling Conference, pending Detmernation of the Motions to Dismiss</i> filed by Dennis V. Harrison, City of Fort Collins, Dennis (I) V. Harrison. Motion referred to Magistrate Judge Michael E. Hegarty by Judge Robert E. Blackburn on 1/8/10. TEXT ONLY ENTRY - NO DOCUMENT ATTACHED(rebcd) (Entered: 01/08/2010)
01/08/2010	<u>22</u>	JOINDER re <u>14</u> MOTION to Dismiss <i>Claims Against Defendants Brian Koopman, Luke Hecker and City of Loveland</i> by Defendants Dennis V. Harrison, City of Fort Collins, Dennis (I) V. Harrison. (Hamilton, Steven) (Entered: 01/08/2010)
01/08/2010	<u>23</u>	MINUTE ORDER granting <u>20</u> Motion for Leave to File Excess Pages by Judge Robert E. Blackburn on 1/8/10.TEXT ONLY ENTRY - NO DOCUMENT ATTACHED (rebcd) (Entered: 01/08/2010)
01/11/2010	<u>24</u>	Proposed Scheduling Order by Plaintiffs Jeremy C. Myers, Great Western Salvage LTD. (Meyers, Randall) Modified on 1/12/2010 to add Great Western Salvage LTD as a filer. (sah,). (Entered: 01/11/2010)
01/12/2010	<u>25</u>	MINUTE ORDER denying without prejudice <u>18</u> Defendants Unopposed Joint Motion to Stay the Proceedings, Including Vacating the Scheduling

		Conference, Pending Determination of the Motions to Dismiss. By Magistrate Judge Michael E. Hegarty on 01/12/2010.(sah,) (Entered: 01/12/2010)
01/12/2010	26	Docket Annotation re: <u>24</u> Proposed Scheduling Order. Entry modified on 1/12/2010 to add Great Western Salvage LTD as a filer. Text only entry - no document attached (sah,) (Entered: 01/12/2010)
01/13/2010	<u>27</u>	Unopposed MOTION to Stay <i>the Proceedings, including Vacating the Scheduling Conference, pending Determination of the Motions to Dismiss</i> by Defendants Dennis V. Harrison, City of Fort Collins, Dennis (I) V. Harrison. (Hamilton, Steven) (Entered: 01/13/2010)
01/13/2010	28	MEMORANDUM regarding <u>27</u> Unopposed MOTION to Stay <i>the Proceedings, including Vacating the Scheduling Conference, pending Determination of the Motions to Dismiss</i> filed by Dennis V. Harrison, City of Fort Collins, Dennis (I) V. Harrison.Motion referred to Magistrate Judge Michael E. Hegarty by Judge Robert E. Blackburn on 1/13/10. TEXT ONLY ENTRY - NO DOCUMENT ATTACHED (rebcd) (Entered: 01/13/2010)
01/19/2010	<u>29</u>	ORDER. Defendants Revised Unopposed Joint Motion to Stay the Proceedings, Including Vacating the Scheduling Conference, Pending Determination of the Motions to Dismiss <u>27</u> is denied. By Magistrate Judge Michael E. Hegarty on 01/19/2010.(sah,) (Entered: 01/19/2010)
01/25/2010	<u>30</u>	Proposed Scheduling Order <i>Revised</i> by Plaintiffs Jeremy C. Myers, Great Western Salvage LTD. (Meyers, Randall) (Entered: 01/25/2010)
01/27/2010	<u>31</u>	Unopposed MOTION for Leave to Appear <i>by Phone at Scheduling Conference</i> by Defendants James (I) A. Alderden, James A. Alderden, Larimer County, Larimer County Board of Commissioners, The, Larry Abrahamson, Eighth Judicial District of Colorado. (Hass, George) (Entered: 01/27/2010)
01/28/2010	32	MEMORANDUM regarding <u>31</u> Unopposed MOTION for Leave to Appear <i>by Phone at Scheduling Conference</i> filed by Larimer County Board of Commissioners, The, Larimer County, James A. Alderden, James (I) A. Alderden, Eighth Judicial District of Colorado, Larry Abrahamson.Motion referred to Magistrate Judge Michael E. Hegarty by Judge Robert E. Blackburn on 1/28/10. TEXT ONLY ENTRY - NO DOCUMENT ATTACHED(rebcd) (Entered: 01/28/2010)
01/28/2010	33	MINUTE ORDER granting <u>31</u> Larimer County Defendants' Unopposed Motion for Leave to Appear by Phone at Scheduling Conference. Scheduling Conference set for 2/1/2010 09:45 AM in Courtroom C203 before Magistrate Judge Michael E. Hegarty. Counsel shall call my Chambers at (303) 844-4507 at the appointed time. The Scheduling Conference shall commence at 9:45 AM rather than 9:00 AM. By Magistrate Judge Michael E. Hegarty on 1/28/2010. (mehcd) (Entered: 01/28/2010)
01/28/2010	<u>34</u>	RESPONSE to <u>14</u> MOTION to Dismiss <i>Claims Against Defendants</i>

		<i>Brian Koopman, Luke Hecker and City of Loveland</i> filed by Plaintiffs Jeremy C. Myers, Great Western Salvage LTD. (Meyers, Randall) (Entered: 01/28/2010)
01/28/2010	<u>35</u>	RESPONSE to <u>17</u> MOTION for Joinder re <u>14</u> MOTION to Dismiss <i>Claims Against Defendants Brian Koopman, Luke Hecker and City of Loveland Motion to Dismiss</i> MOTION for Joinder re <u>14</u> MOTION to Dismiss <i>Claims Against Defendants Brian Koopman, Luke Hecker and City of Loveland Motion to Dismiss</i> filed by Plaintiffs Jeremy C. Myers, Great Western Salvage LTD. (Meyers, Randall) (Entered: 01/28/2010)
01/28/2010	<u>36</u>	RESPONSE to <u>16</u> MOTION to Dismiss <i>All Claims Against James A. Alderden in his Official and Individual Capacity, Larimer County, Larimer County Board of County Commissioners, Larry Abrahamson in his Official Capacity, and the Eighth Judicial District</i> filed by Plaintiffs Jeremy C. Myers, Great Western Salvage LTD. (Meyers, Randall) (Entered: 01/28/2010)
02/01/2010	<u>37</u>	Courtroom Minutes/Minute Order for proceedings held before Magistrate Judge Michael E. Hegarty: Telephonic Scheduling Conference held on 2/1/2010. Discovery due by 8/1/2010. Dispositive Motions due by 9/1/2010. Status Conference set for 6/7/2010 09:30 AM in Courtroom C203 before Magistrate Judge Michael E. Hegarty; counsel shall be prepared to discuss the status regarding the Motion to Dismiss and whether a Settlement Conference is appropriate. Final Pretrial Conference set for 10/29/2010 09:15 AM in Courtroom C203 before Magistrate Judge Michael E. Hegarty. Trial Preparation Conference set for 2/11/2011 at 09:00 AM before Judge Robert E. Blackburn. Jury Trial set for 2/28/2011 09:00 AM before Judge Robert E. Blackburn. (Court Reporter FTR - C. Coomes) (mehcd) (Entered: 02/01/2010)
02/01/2010	<u>38</u>	SCHEDULING ORDER: by Magistrate Judge Michael E. Hegarty on 2/1/2010. (mehcd) (Entered: 02/01/2010)
02/01/2010	<u>39</u>	TRIAL PREPARATION CONFERENCE ORDER by Judge Robert E. Blackburn on 2/1/10. Trial Preparation Conference set for 2/11/2011 at 9:00 a.m.; ten-day Jury Trial set to commence 2/28/2011 at 8:30 a.m. in courtroom A1001 before Judge Robert E. Blackburn. (rebcd) (Entered: 02/01/2010)
02/02/2010	<u>40</u>	Unopposed MOTION for Ruling <i>Defendants' Unopposed Joint Objection to Magistrate Hegarty's Order on Defendants' Motion to Stay</i> by Defendants Dennis V. Harrison, City of Fort Collins, Dennis (I) V. Harrison. (Hamilton, Steven) (Entered: 02/02/2010)
02/02/2010	<u>41</u>	Unopposed MOTION for Ruling <i>Defendants' Unopposed Joint Objection to Magistrate Hegarty's Order on Defendants' Motion to Stay</i> by Defendants Dennis V. Harrison, City of Fort Collins, Dennis (I) V. Harrison. (Hamilton, Steven) (Entered: 02/02/2010)
02/03/2010	<u>42</u>	Docket Annotation re: <u>40</u> Unopposed MOTION for Ruling <i>Defendants' Unopposed Joint Objection to Magistrate Hegarty's Order on Defendants'</i>

		Motion to Stay. An incorrect document was filed. Cousnel has re-filed the correct document which is docket entry #41. Text only entry - no document attached (sah2,) (Entered: 02/03/2010)
02/03/2010	<u>43</u>	OBJECTION/Appeal of Magistrate Judge Decision to District Court <i>Defendants' Unopposed Joint Objection To Magistrate Hegarty's Order On Defendants' Motion To Stay</i> by Defendants Dennis V. Harrison, James (I) A. Alderden, James A. Alderden, City of Loveland, City of Fort Collins, Larimer County, Larimer County Board of Commissioners, The, Larry Abrahamson, Eighth Judicial District of Colorado, Brian (I) Koopman, Brian Koopman, Luke (I) Hecker, Luke Hecker, Dennis (I) V. Harrison. (Hamilton, Steven) (Entered: 02/03/2010)
02/04/2010	<u>44</u>	NOTICE re <u>43</u> OBJECTION/Appeal of Magistrate Judge Decision to District Court <i>Defendants' Unopposed Joint Objection To Magistrate Hegarty's Order On Defendants' Motion To Stay</i> by Defendants Dennis V. Harrison, James (I) A. Alderden, James A. AldOBJECTION/Appeal of Magistrate Judge Decision to District Court <i>Defendants' Unopposed Joint Objection To Magistrate Hegarty's Order On Defendants' Motion To Stay</i> by Defendants Dennis V. Harrison, James (I) A. Alderden, James A. AldOBJECTION/Appeal of Magistrate Judge Decision to District Court <i>Defendants' Unopposed Joint Objection To Magistrate Hegarty's Order On Defendants' Motion To Stay</i> by Defendants Dennis V. Harrison, James (I) A. Alderden, James A. Ald, <u>40</u> Unopposed MOTION for Ruling <i>Defendants' Unopposed Joint Objection to Magistrate Hegarty's Order on Defendants' Motion to Stay</i> , <u>41</u> Unopposed MOTION for Ruling <i>Defendants' Unopposed Joint Objection to Magistrate Hegarty's Order on Defendants' Motion to Stay</i> , <u>42</u> Docket Annotation, <i>Notice Regarding CM/ECF Filings of Documents #40, #41, #42, And #43 on the Civil Docket</i> by Defendants Dennis V. Harrison, City of Fort Collins, Dennis (I) V. Harrison (Hamilton, Steven) (Entered: 02/04/2010)
02/09/2010	<u>45</u>	REPLY to Response to <u>14</u> MOTION to Dismiss <i>Claims Against Defendants Brian Koopman, Luke Hecker and City of Loveland Reply in Support of Motion to Dismiss</i> filed by Defendants City of Loveland, Brian (I) Koopman, Brian Koopman, Luke (I) Hecker, Luke Hecker. (Campbell, Kent) (Entered: 02/09/2010)
02/11/2010	<u>46</u>	REPLY to Response to <u>16</u> MOTION to Dismiss <i>All Claims Against James A. Alderden in his Official and Individual Capacity, Larimer County, Larimer County Board of County Commissioners, Larry Abrahamson in his Official Capacity, and the Eighth Judicial District</i> filed by Defendants James (I) A. Alderden, James A. Alderden, Larimer County, Larimer County Board of Commissioners, The, Larry Abrahamson, Eighth Judicial District of Colorado. (Haag, Jeannine) (Entered: 02/11/2010)
02/12/2010	<u>47</u>	BRIEF in Support of <u>17</u> MOTION for Joinder re <u>14</u> MOTION to Dismiss <i>Claims Against Defendants Brian Koopman, Luke Hecker and City of Loveland Motion to Dismiss</i> MOTION for Joinder re <u>14</u> MOTION to Dismiss <i>Claims Against Defendants Brian Koopman, Luke</i>

		<i>Hecker and City of Loveland Motion to Dismiss</i> filed by Defendants Dennis V. Harrison, City of Fort Collins, Dennis (I) V. Harrison. (Hamilton, Steven) (Entered: 02/12/2010)
03/09/2010	<u>48</u>	MOTION to Seal by Defendants City of Loveland, Brian (I) Koopman, Brian Koopman, Luke (I) Hecker, Luke Hecker. (Attachments: # <u>1</u> Exhibit Exhibit A, # <u>2</u> Proposed Order (PDF Only) Order Granting Motion to Seal)(Campbell, Kent) (Entered: 03/09/2010)
03/09/2010	<u>49</u>	MEMORANDUM regarding <u>48</u> MOTION to Seal filed by Luke (I) Hecker, Luke Hecker, City of Loveland, Brian Koopman, Brian (I) Koopman.Motions referred to Magistrate Judge Michael E. Hegarty by Judge Robert E. Blackburn on 3/9/10. TEXT ONLY ENTRY - NO DOCUMENT ATTACHED(rebsec,) (Entered: 03/09/2010)
03/12/2010	<u>50</u>	MOTION for Leave to Supplement and/or Amend Motion to Seal <u>48</u> by Defendants City of Loveland, Brian (I) Koopman, Brian Koopman, Luke (I) Hecker, Luke Hecker. (Campbell, Kent) Modified on 3/15/2010 to create linkage (sah,). (Entered: 03/12/2010)
03/15/2010	<u>51</u>	MEMORANDUM regarding <u>50</u> MOTION for Leave to <i>Supplement and/or Amend Motion to Seal</i> filed by Luke (I) Hecker, Luke Hecker, City of Loveland, Brian Koopman, Brian (I) Koopman.Motions referred to Magistrate Judge Michael E. Hegarty by Judge Robert E. Blackburn on 3/15/10. TEXT ONLY ENTRY - NO DOCUMENT ATTACHED (rebsec,) (Entered: 03/15/2010)
03/25/2010	<u>52</u>	RESPONSE to <u>50</u> MOTION for Leave to <i>Supplement and/or Amend Motion to Seal</i> , <u>48</u> MOTION to Seal filed by Plaintiffs Great Western Salvage LTD, Jeremy C. Myers. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit) (Meyers, Randall) (Entered: 03/25/2010)
04/08/2010	<u>53</u>	REPLY to Response to <u>48</u> MOTION to Seal <i>and Motion to Supplement and/or Amend Motion to Seal</i> <u>50</u> filed by Defendants City of Loveland, Luke Hecker, Luke (I) Hecker, Brian Koopman, Brian (I) Koopman. (Campbell, Kent) (Entered: 04/08/2010)
04/13/2010	<u>54</u>	ORDER. The Court GRANTS IN PART AND DENIES IN PART the Loveland Defendants Motion to Seal <u>48</u> and the Loveland Defendants Motion for Leave to Supplement and/or Amend Motion to Seal <u>50</u> as set forth herein. By Magistrate Judge Michael E. Hegarty on 04/12/2010. (sah,) (Entered: 04/13/2010)
04/13/2010	<u>55</u>	STATEMENT <i>Loveland Defendants' Privilege Log</i> by Defendants City of Loveland, Luke Hecker, Luke (I) Hecker, Brian Koopman, Brian (I) Koopman. (Campbell, Kent) (Entered: 04/13/2010)
04/29/2010	<u>56</u>	MOTION for Summary Judgment <i>Based Upon Qualified Immunity</i> by Defendants City of Loveland, Luke Hecker, Luke (I) Hecker, Brian Koopman, Brian (I) Koopman. (Attachments: # <u>1</u> Affidavit of Brian Koopman, # <u>2</u> Exhibit A, # <u>3</u> Exhibit B, # <u>4</u> Exhibit C, # <u>5</u> Exhibit D, # <u>6</u> Exhibit E, # <u>7</u> Affidavit of Luke Hecker, # <u>8</u> Exhibit F)(Campbell, Kent) (Entered: 04/29/2010)

04/29/2010	<u>57</u>	MOTION for Leave to <i>Exceed Page Limitations</i> by Defendants Luke Hecker, Luke (I) Hecker, Brian Koopman, Brian (I) Koopman. (Attachments: # <u>1</u> Proposed Order (PDF Only))(Campbell, Kent) (Entered: 04/29/2010)
04/29/2010	<u>58</u>	MOTION to Stay <i>Discovery</i> by Defendants City of Loveland, Luke Hecker, Luke (I) Hecker, Brian Koopman, Brian (I) Koopman. (Attachments: # <u>1</u> Proposed Order (PDF Only))(Campbell, Kent) (Entered: 04/29/2010)
04/30/2010	<u>59</u>	MEMORANDUM regarding <u>58</u> MOTION to Stay <i>Discovery</i> filed by Luke (I) Hecker, Luke Hecker, City of Loveland, Brian Koopman, Brian (I) Koopman. Motions referred to Magistrate Judge Michael E. Hegarty by Judge Robert E. Blackburn on 4/30/10. TEXT ONLY ENTRY - NO DOCUMENT ATTACHED(rebsec,) (Entered: 04/30/2010)
04/30/2010	<u>60</u>	MINUTE ORDER granting <u>57</u> Loveland Defendants Unopposed Motion For Leave To File Motion For Summary Judgment Exceeding Page Limitations. Defendants Koopman and Heckers Motion For Summary Judgment Based Upon Qualified Immunity <u>56</u> is accepted for filing. By Judge Robert E. Blackburn on 04/30/2010.(sah,) (Entered: 04/30/2010)
05/03/2010	<u>61</u>	ORDER granting <u>58</u> Unopposed Motion to Stay Discovery Pending Ruling on Their Motion for Summary Judgment Based upon Qualified Immunity filed by Defendants Koopman and Hecker. The proceedings of this case are hereby stayed as to Defendants Koopman and Hecker pending the District Courts ruling on Defendants Motion for Summary Judgment. The parties are directed to submit a status report within five days of the entry of any order adjudicating the pending Motion for Summary Judgment. By Magistrate Judge Michael E. Hegarty on 05/03/2010.(sah,) (Entered: 05/03/2010)
05/20/2010	<u>62</u>	MOTION to Stay <i>All Discovery</i> by Defendants City of Loveland, Luke Hecker, Luke (I) Hecker, Brian Koopman, Brian (I) Koopman. (Attachments: # <u>1</u> Proposed Order (PDF Only))(Campbell, Kent) (Entered: 05/20/2010)
05/20/2010	<u>63</u>	MEMORANDUM regarding <u>62</u> MOTION to Stay <i>All Discovery</i> filed by Luke (I) Hecker, Luke Hecker, City of Loveland, Brian Koopman, Brian (I) Koopman. Motions referred to Magistrate Judge Michael E. Hegarty by Judge Robert E. Blackburn on 5/20/10. TEXT ONLY ENTRY - NO DOCUMENT ATTACHED(rebsec,) (Entered: 05/20/2010)
05/20/2010	<u>64</u>	RESPONSE to <u>56</u> MOTION for Summary Judgment <i>Based Upon Qualified Immunity</i> filed by Plaintiffs Great Western Salvage LTD, Jeremy C. Myers. (Attachments: # <u>1</u> Exhibit Exhibit 1, # <u>2</u> Exhibit Exhibit 2, # <u>3</u> Exhibit Exhibit 3, # <u>4</u> Exhibit Exhibit 4, # <u>5</u> Exhibit Exhibit 5, # <u>6</u> Exhibit Exhibit 6, # <u>7</u> Exhibit Exhibit 7, # <u>8</u> Exhibit Exhibit 8, # <u>9</u> Exhibit Exhibit 9)(Meyers, Randall) (Entered: 05/20/2010)
05/21/2010	<u>65</u>	RESPONSE to <u>62</u> MOTION to Stay <i>All Discovery</i> filed by Plaintiffs Great Western Salvage LTD, Jeremy C. Myers. (Meyers, Randall) (Entered: 05/21/2010)

05/21/2010	<u>66</u>	REPLY to Response to <u>62</u> MOTION to Stay <i>All Discovery</i> filed by Defendants City of Loveland, Luke Hecker, Luke (I) Hecker, Brian Koopman, Brian (I) Koopman. (Campbell, Kent) (Entered: 05/21/2010)
05/24/2010	<u>67</u>	MINUTE ORDER granting in part and denying in part <u>62</u> The Loveland Defendants' Unopposed Motion to Stay All Discovery Pending Resolution of Defendants Koopman and Hecker's Motion for Summary Judgment Based Upon Qualified Immunity, by Magistrate Judge Michael E. Hegarty on 5/24/2010. (mehcd) (Entered: 05/24/2010)
06/01/2010	<u>68</u>	MOTION for Leave to File Excess Pages <i>Reply in Support of Motion for Summary Judgment Based Upon Qualified Immunity</i> by Defendants City of Loveland, Luke Hecker, Luke (I) Hecker, Brian Koopman, Brian (I) Koopman. (Attachments: # <u>1</u> Proposed Order (PDF Only))(Campbell, Kent) (Entered: 06/01/2010)
06/02/2010	<u>69</u>	MINUTE ORDER granting <u>68</u> Defendants Koopman and Heckers Unopposed Motion For Leave To File Reply in Support of Motion For Summary Judgment Based Upon Qualified Immunity Exceeding Page Limitations. By Judge Robert E. Blackburn on 06/02/2010.(sah,) (Entered: 06/02/2010)
06/03/2010	<u>70</u>	REPLY to Response to <u>56</u> MOTION for Summary Judgment <i>Based Upon Qualified Immunity</i> filed by Defendants City of Loveland, Luke Hecker, Luke (I) Hecker, Brian Koopman, Brian (I) Koopman. (Campbell, Kent) (Entered: 06/03/2010)
06/07/2010	<u>71</u>	Courtroom Minutes/Minute Order for proceedings held before Magistrate Judge Michael E. Hegarty: Status Conference held on 6/7/2010. (Court Reporter FTR - C. Coomes) (mehcd) (Entered: 06/07/2010)
06/08/2010	<u>72</u>	NOTICE of Entry of Appearance by William Glenn Ressue on behalf of Larry Abrahamson, James A. Alderden, James (I) A. Alderden, Eighth Judicial District of Colorado (Ressue, William) (Entered: 06/08/2010)
06/10/2010	<u>73</u>	NOTICE of Change of Address <i>Email and Fax</i> by Randall R. Meyers (Meyers, Randall) (Entered: 06/10/2010)
06/11/2010	<u>74</u>	MOTION for Summary Judgment by Defendants City of Fort Collins, Dennis V. Harrison. (Hamilton, Steven) (Entered: 06/11/2010)
06/11/2010	<u>75</u>	DECLARATION of <i>Dennis V. Harrison</i> by Defendants City of Fort Collins, Dennis V. Harrison. (Hamilton, Steven) (Entered: 06/11/2010)
06/11/2010	<u>76</u>	Unopposed MOTION to Stay <i>Discovery Pending Determination of Entitlement to Qualified Immunity</i> by Defendants City of Fort Collins, Dennis V. Harrison. (Hamilton, Steven) (Entered: 06/11/2010)
06/14/2010	<u>77</u>	MEMORANDUM regarding <u>76</u> Unopposed MOTION to Stay <i>Discovery Pending Determination of Entitlement to Qualified Immunity</i> filed by Dennis V. Harrison, City of Fort Collins.Motions referred to Magistrate Judge Michael E. Hegarty by Judge Robert E. Blackburn on 6/14/10. TEXT ONLY ENTRY - NO DOCUMENT ATTACHED(rebsec,)

		(Entered: 06/14/2010)
06/14/2010	<u>78</u>	MINUTE ORDER granting <u>76</u> Unopposed Motion to Stay Discovery Pending Determination of Entitlement to Qualified Immunity. The proceedings of this case are temporarily stayed as to Defendants City of Fort Collins and Harrison pending the District Court's ruling on Defendants' Motion for Summary Judgment, by Magistrate Judge Michael E. Hegarty on 6/14/10.(ebs,) (Entered: 06/15/2010)
06/16/2010	<u>79</u>	Stipulated MOTION to Vacate <i>Trial Date Pending Determination of Entitlement to Qualified Immunity</i> by Defendants Larry Abrahamson, James A. Alderden, James (I) A. Alderden, City of Fort Collins, City of Loveland, Eighth Judicial District of Colorado, Dennis V. Harrison, Dennis (I) V. Harrison, Luke Hecker, Luke (I) Hecker, Brian Koopman, Brian (I) Koopman, Larimer County, Larimer County Board of Commissioners, The, Plaintiffs Great Western Salvage LTD, Jeremy C. Myers. (Hamilton, Steven) (Entered: 06/16/2010)
07/02/2010	<u>80</u>	RESPONSE to <u>74</u> MOTION for Summary Judgment filed by Plaintiffs Great Western Salvage LTD, Jeremy C. Myers. (Meyers, Randall) (Entered: 07/02/2010)
07/15/2010	<u>81</u>	REPLY to Response to <u>74</u> MOTION for Summary Judgment filed by Defendants City of Fort Collins, Dennis V. Harrison, Dennis (I) V. Harrison. (Sanchez, Joseph) (Entered: 07/15/2010)
07/23/2010	<u>82</u>	NOTICE of Change of Address <i>for Email</i> by William Glenn Ressue (Ressue, William) (Entered: 07/23/2010)
08/26/2010	<u>83</u>	MOTION to Seal <i>Search/Arrest Threat Assessment (SWAT Decision Matrix)</i> by Defendants City of Loveland, Luke Hecker, Luke (I) Hecker, Brian Koopman, Brian (I) Koopman. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(Campbell, Kent) (Entered: 08/26/2010)
08/30/2010	<u>84</u>	MEMORANDUM regarding <u>83</u> MOTION to Seal <i>Search/Arrest Threat Assessment (SWAT Decision Matrix)</i> filed by Luke (I) Hecker, Luke Hecker, City of Loveland, Brian Koopman, Brian (I) Koopman.Motions referred to Magistrate Judge Michael E. Hegarty by Judge Robert E. Blackburn on 8/30/10. TEXT ONLY ENTRY - NO DOCUMENT ATTACHED(rebsec,) (Entered: 08/30/2010)
09/01/2010	<u>85</u>	Unopposed MOTION for Leave to File Excess Pages by Defendants Larry Abrahamson, James A. Alderden, James (I) A. Alderden, Eighth Judicial District of Colorado, Larimer County, Larimer County Board of Commissioners, The. (Attachments: # <u>1</u> Proposed Order (PDF Only)) (Haag, Jeannine) (Entered: 09/01/2010)
09/01/2010	<u>86</u>	MOTION for Summary Judgment by Defendants Larry Abrahamson, James A. Alderden, James (I) A. Alderden, Eighth Judicial District of Colorado, Larimer County, Larimer County Board of Commissioners, The. (Attachments: # <u>1</u> Exhibit A-1, # <u>2</u> Exhibit A-2, # <u>3</u> Exhibit A-2 (continued), # <u>4</u> Exhibit A-3, # <u>5</u> Exhibit A-4, # <u>6</u> Exhibit A-5)(Haag, Jeannine) (Entered: 09/01/2010)

09/02/2010	<u>87</u>	ORDER. The County Defendants Motion For Leave To File Motion Exceeding Page Limitations <u>85</u> filed 09/01/2010, is GRANTED. By Judge Robert E. Blackburn on 09/02/2010.(sah,) (Entered: 09/02/2010)
09/03/2010	<u>88</u>	MOTION for Summary Judgment by Defendant City of Loveland. (Campbell, Kent) (Entered: 09/03/2010)
09/16/2010	<u>89</u>	RESPONSE to <u>83</u> MOTION to Seal <i>Search/Arrest Threat Assessment (SWAT Decision Matrix)</i> filed by Plaintiffs Great Western Salvage LTD, Jeremy C. Myers. (Meyers, Randall) (Entered: 09/16/2010)
09/17/2010	<u>90</u>	REPLY to Response to <u>83</u> MOTION to Seal <i>Search/Arrest Threat Assessment (SWAT Decision Matrix)</i> filed by Defendants City of Loveland, Luke Hecker, Luke (I) Hecker, Brian Koopman, Brian (I) Koopman. (Campbell, Kent) (Entered: 09/17/2010)
09/21/2010	<u>91</u>	ORDER. The Loveland Defendants Motion to Seal Search/Arrest Threat Assessment (SWAT Decision Matrix) <u>83</u> is GRANTED. By Magistrate Judge Michael E. Hegarty on 09/21/2010.(sah,) (Entered: 09/21/2010)
09/22/2010	<u>92</u>	RESPONSE to <u>88</u> MOTION for Summary Judgment filed by Plaintiffs Great Western Salvage LTD, Jeremy C. Myers. (Meyers, Randall) (Entered: 09/22/2010)
09/22/2010	<u>93</u>	MOTION to Supplement <u>56</u> MOTION for Summary Judgment <i>Based Upon Qualified Immunity</i> by Defendants City of Loveland, Luke Hecker, Luke (I) Hecker, Brian Koopman, Brian (I) Koopman. (Attachments: # <u>1</u> Affidavit Exhibit A)(Campbell, Kent) (Entered: 09/22/2010)
09/22/2010	<u>94</u>	SEALED DOCUMENT by Defendants City of Loveland, Luke Hecker, Luke (I) Hecker, Brian Koopman, Brian (I) Koopman. (Campbell, Kent) (Entered: 09/22/2010)
09/22/2010	<u>95</u>	MOTION for Protective Order by Defendants City of Loveland, Luke Hecker, Luke (I) Hecker, Brian Koopman, Brian (I) Koopman. (Attachments: # <u>1</u> Exhibit Exhibit A, # <u>2</u> Proposed Order (PDF Only) Protective Order)(Campbell, Kent) (Entered: 09/22/2010)
09/22/2010	<u>96</u>	MEMORANDUM regarding <u>95</u> MOTION for Protective Order filed by Luke (I) Hecker, Luke Hecker, City of Loveland, Brian Koopman, Brian (I) Koopman.Motions referred to Magistrate Judge Michael E. Hegarty by Judge Robert E. Blackburn on 9/22/10. TEXT ONLY ENTRY - NO DOCUMENT ATTACHED(rebsec,) (Entered: 09/22/2010)
09/22/2010	<u>97</u>	RESPONSE to <u>86</u> MOTION for Summary Judgment filed by Plaintiffs Great Western Salvage LTD, Jeremy C. Myers. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4)(Meyers, Randall) (Entered: 09/22/2010)
09/22/2010	<u>98</u>	Exhibit B by Defendants City of Loveland, Luke Hecker, Luke (I) Hecker, Brian Koopman, Brian (I) Koopman. Public entry for <u>94</u> SEALED DOCUMENT filed 09/22/2010. TEXT ONLY ENTRY- NO DOCUMENT ATTACHED. (sah,) (Entered: 09/23/2010)

09/27/2010	<u>99</u>	ORDER. The Motion To Dismiss Claims Against Defendants Brian Koopman, Luke Hecker and city of Loveland <u>14</u> filed 01/07/2010, is GRANTED as to the plaintiffs first and third claims. The Motion To Dismiss Claims Against Defendants Brian Koopman, Luke Hecker and city of Loveland <u>14</u> filed 01/07/2010, is GRANTED as to the plaintiffs claims against defendants Brian Koopman and Luke Hecker in their official capacities. The Rule 12(b)(6) Motion To Dismiss All Claims Against James A. Alderden in his Offical and Individual Capacity, Larimer County, Larimer County Board of County Commissioners, Larry Abrahamson in his Official Capacity, and the Eighth Judicial District <u>16</u> filed 01/07/2010, is GRANTED as to the plaintiffs first and third claims. The Motion To Dismiss Claims Against Defendants Brian Koopman, Luke Hecker and city of Loveland <u>14</u> filed 01/07/2010, is DENIED WITHOUT PREJUDICE pending resolution of the pending motions for summary judgment. The Rule 12(b)(6) Motion To Dismiss All Claims Against James A. Alderden in his Offical and Individual Capacity, Larimer County, Larimer County Board of County Commissioners, Larry Abrahamson in his Official Capacity, and the Eighth Judicial District <u>16</u> filed 01/07/2010, is DENIED WITHOUT PREJUDICE pending resolution of the pending motions for summary judgment. By Judge Robert E. Blackburn on 09/27/2010.(sah,) (Entered: 09/27/2010)
09/28/2010	<u>100</u>	AFFIDAVIT re <u>93</u> MOTION to Supplement <u>56</u> MOTION for Summary Judgment <i>Based Upon Qualified Immunity</i> by Defendants City of Loveland, Luke Hecker, Luke (I) Hecker, Brian Koopman, Brian (I) Koopman. (Attachments: # <u>1</u> Exhibit Affidavit)(Campbell, Kent) (Entered: 09/28/2010)
09/29/2010	<u>101</u>	MOTION to Clarify re <u>99</u> Order on Motion to Dismiss by Defendants City of Fort Collins, Dennis (I) V. Harrison. (Hamilton, Steven) Modified on 9/30/2010 to remove commas(sah2,). (Entered: 09/29/2010)
09/30/2010	<u>102</u>	REPLY to Response to <u>88</u> MOTION for Summary Judgment filed by Defendants Luke Hecker, Luke (I) Hecker, Brian Koopman, Brian (I) Koopman. (Attachments: # <u>1</u> Exhibit Exhibit A)(Campbell, Kent) (Entered: 09/30/2010)
09/30/2010	<u>103</u>	MOTION for Joinder re <u>93</u> MOTION to Supplement <u>56</u> MOTION for Summary Judgment <i>Based Upon Qualified Immunity</i> by Defendant Dennis V. Harrison. (Hamilton, Steven) (Entered: 09/30/2010)
10/06/2010	<u>104</u>	REPLY to Response to <u>86</u> MOTION for Summary Judgment filed by Defendants Larry Abrahamson, James A. Alderden, James (I) A. Alderden, Eighth Judicial District of Colorado, Larimer County, Larimer County Board of Commissioners, The. (Attachments: # <u>1</u> Exhibit A-1, # <u>2</u> Exhibit A-2, # <u>3</u> Exhibit A-3, # <u>4</u> Exhibit A-4)(Ressue, William) (Entered: 10/06/2010)
10/11/2010	<u>105</u>	<i>Defendant Alderden, Larimer County, Larimer County Board of County Commissioners, Larry Abrahamson, and Eighth Judicial District of</i>

		<i>Colorado's</i> ANSWER to 2 Complaint by Larry Abrahamson, James A. Alderden, James (I) A. Alderden, Eighth Judicial District of Colorado, Larimer County, Larimer County Board of Commissioners, The.(Ressue, William) (Entered: 10/11/2010)
10/12/2010	<u>106</u>	ANSWER to 2 Complaint by City of Loveland, Luke Hecker, Luke (I) Hecker, Brian Koopman, Brian (I) Koopman.(Campbell, Kent) (Entered: 10/12/2010)
10/19/2010	<u>107</u>	MINUTE ORDER granting <u>95</u> Loveland Defendants' Motion for Protective Order. The Loveland Defendants shall provide to the Court a copy of the proposed Protective Order in useable format (Word, Word Perfect) on or before 10/22/2010. By Magistrate Judge Michael E. Hegarty on 10/19/2010. (mehcd) (Entered: 10/19/2010)
10/21/2010	<u>108</u>	PROTECTIVE ORDER. By Magistrate Judge Michael E. Hegarty on 10/21/2010. (sah,) (Entered: 10/21/2010)
10/22/2010	<u>109</u>	Proposed Pretrial Order by Plaintiffs Great Western Salvage LTD, Jeremy C. Myers. (Meyers, Randall) (Entered: 10/22/2010)
10/29/2010	<u>110</u>	Courtroom Minutes/Minute Order for proceedings held before Magistrate Judge Michael E. Hegarty: Final Pretrial Conference held on 10/29/2010. The Court will issue a recommendation to Judge Blackburn that the trial date be reset. The Final Pretrial Order was not entered. (Court Reporter FTR - C. Coomes) (mehcd) (Entered: 10/29/2010)
10/29/2010	<u>111</u>	RECOMMENDATION TO VACATE TRIAL DATE by Magistrate Judge Michael E. Hegarty on 10/29/2010. (mehcd) (Entered: 11/01/2010)
12/21/2010	<u>112</u>	MOTION to Lift Stay to <u>61</u> , <u>67</u> , and <u>78</u> by Plaintiffs Great Western Salvage LTD, Jeremy C. Myers. (Meyers, Randall) Modified on 12/22/2010 to create linkage (sah,). (Entered: 12/21/2010)
12/21/2010	<u>113</u>	MEMORANDUM regarding <u>112</u> MOTION to Lift Stay filed by Great Western Salvage LTD, Jeremy C. Myers. Motions referred to Magistrate Judge Michael E. Hegarty by Judge Robert E. Blackburn on 12/21/10. TEXT ONLY ENTRY - NO DOCUMENT ATTACHED(rebsec,) (Entered: 12/21/2010)
12/21/2010	<u>114</u>	RESPONSE to <u>112</u> MOTION to Lift Stay <i>of Discovery</i> filed by Defendants City of Loveland, Luke Hecker, Luke (I) Hecker, Brian Koopman, Brian (I) Koopman. (Campbell, Kent) (Entered: 12/21/2010)
12/22/2010	<u>115</u>	REPLY to Response to <u>112</u> MOTION to Lift Stay filed by Plaintiffs Great Western Salvage LTD, Jeremy C. Myers. (Meyers, Randall) (Entered: 12/22/2010)
12/30/2010	<u>116</u>	RESPONSE to <u>112</u> MOTION to Lift Stay filed by Defendants City of Fort Collins, Dennis V. Harrison. (Hamilton, Steven) (Entered: 12/30/2010)
01/27/2011	<u>117</u>	ORDER. The Recommendation To Vacate Trial Date <u>111</u> filed

		10/29/2010, is APPROVED and ADOPTED. The Joint Stipulated Motion To Vacate Trial Date Pending Determination of Entitlement To Qualified Immunity <u>79</u> filed 6/16/2010, is GRANTED. The Trial Preparation Conference currently set for 2/11/2011, at 9:00 a.m., and the trial currently set for 2/28/2011, beginning at 9:00 a.m., are VACATED and CONTINUED. A telephonic setting conference for the purpose of resetting the Trial Preparation Conference and the trial is set for 2/16/2011, at 10:00 a.m. By Judge Robert E. Blackburn on 1/27/2011. (sah,) (Entered: 01/27/2011)
01/28/2011	<u>118</u>	ORDER. Under FED. R. CIV. P. 12(b)(6), the Defendants Dennis V. Harrison and City of Fort Collins Joinder in Defendants Brian Koopman, Luke Hecker and City of Lovelands Motion To Dismiss <u>22</u> filed 1/8/2010, which I treat as a motion to dismiss, is GRANTED. The plaintiffs first and third claims, as alleged in the complaint <u>2</u> , against defendants Dennis V. Harrison and the City of Fort Collins, Colorado, are DISMISSED WITH PREJUDICE. Dennis V. Harrison and the City of Fort Collins Unopposed Motion for Clarification of this Courts Order Concerning Defendants Motion To Dismiss <u>101</u> filed 9/29/2010, is GRANTED on the terms stated in this order. By Judge Robert E. Blackburn on 1/28/2011.(sah,) (Entered: 01/31/2011)
01/28/2011	<u>119</u>	ORDER. The Defendants Unopposed Joint Objection To Magistrate Hegartys Order on Defendants Motion To Stay <u>43</u> filed 2/3/2010, be TERMINATED on the docket as moot. By Judge Robert E. Blackburn on 1/28/2011.(sah,) (Entered: 01/31/2011)
01/28/2011	<u>120</u>	MINUTE ORDER. Plaintiffs Motion to Lift the Stays of Discovery Imposed by Order of Magistrate Judge Michael Hegarty <u>112</u> is DENIED. By Magistrate Judge Michael E. Hegarty on 1/28/2011.(sah,) (Entered: 01/31/2011)
02/01/2011	<u>121</u>	NOTICE <i>Local Rule 40.2</i> by Defendants City of Loveland, Luke Hecker, Luke (I) Hecker, Brian Koopman, Brian (I) Koopman (Campbell, Kent) (Entered: 02/01/2011)
02/08/2011	<u>122</u>	Joint MOTION to Vacate <i>Telephonic Setting Conference Scheduled for February 16, 2011 at 10:00 a.m.</i> by Defendants City of Loveland, Luke Hecker, Luke (I) Hecker, Brian Koopman, Brian (I) Koopman. (Attachments: # <u>1</u> Proposed Order (PDF Only))(Campbell, Kent) (Entered: 02/08/2011)
02/08/2011	<u>123</u>	MINUTE ORDER. Defendants Unopposed Joint Motion To Vacate Telephone Setting Conference Scheduled for February 16, 2011 at 10:00 a.m. <u>122</u> is GRANTED. The telephonic setting conference set for 2/16/2011, is VACATED and is CONTINUED to 3/25/2011, at 10:00 a.m. By Judge Robert E. Blackburn on 2/8/2011.(sah,) (Entered: 02/08/2011)
02/09/2011	<u>124</u>	(WITHDRAWN) MINUTE ORDER. Defendants Koopman and Heckers Motion For Leave To Supplement Motion For Summary Judgment Based Upon Qualified Immunity <u>93</u> is DENIED as moot. By Judge

		Robert E. Blackburn on 2/9/2011.(sah,) Modified on 2/11/2011 to WITHDRAW pursuant to the Minute Order dated 2/11/2011. (sah,). (Entered: 02/09/2011)
02/11/2011	<u>125</u>	MINUTE ORDER. The courts Minute Order <u>124</u> entered 2/9/2011, is WITHDRAWN. Defendants Koopman and Heckers Motion For Leave To Supplement Motion For Summary Judgment Based Upon Qualified Immunity <u>93</u> filed 9/22/2010 is GRANTED. Defendant Dennis V. Harrisons Joinder in Defendants Koopman and Heckers Motion For Leave To Supplement Motion For Summary Judgment <u>103</u> filed 9/30/2010, is GRANTED. By Judge Robert E. Blackburn on 2/11/2011. (sah,) (Entered: 02/11/2011)
02/11/2011	<u>126</u>	ORDER. Defendants Koopman and Heckers Motion for Summary judgment Based Upon Qualified Immunity <u>56</u> filed 4/20/2010, is DENIED without prejudice pending the completion of discovery. Dennis V. Harrison and the City of Fort Collins Motion for Summary Judgment <u>74</u> filed 6/11/2010, is DENIED without prejudice as to the claims against defendant, Dennis V. Harrison. Dennis V. Harrison and the City of Fort Collins Motion for Summary Judgment <u>74</u> filed 6/11/2010 is DENIED without prejudice as to the claims against the City of Fort Collins. Defendant James A. Alderden, Larimer County, Larimer County Board of County Commissioners, Larry Abrahamson and Eighth Judicial District of Colorados Motion for Summary Judgment <u>86</u> filed 9/1/2010, is GRANTED. The Defendant City of Lovelands Motion for Summary Judgment <u>88</u> filed 9/3/2010, is DENIED without prejudice as to the claims against the City of Loveland. Under FED. R. CIV. P. 12(b)(6), the Motion To Dismiss Claims Against Defendants Brian Koopman, Luke Hecker and City of Loveland <u>14</u> filed 6/7/2010, which motion previously was denied in part without prejudice, is GRANTED as to the plaintiffs second, fourth, and fifth claims against defendants, Brian Koopman, Luke Hecker, and the City of Loveland. Under FED. R. CIV. P. 12(b)(6), Defendants Dennis V. Harrison and City of Fort Collins Joinder in Defendants Brian Koopman, Luke Hecker and City of Lovelands Motion to Dismiss <u>22</u> filed 1/8/2010, which motion previously was denied in part without prejudice, is GRANTED as to the plaintiffs second, fourth, and fifth claims against defendants, Dennis V. Harrison and the City of Fort Collins. The plaintiffs second, fourth, and fifth claims are DISMISSED WITHOUT PREJUDICE as to defendants, Brian Koopman, Luke Hecker, Dennis V. Harrison, the City of Loveland, and the City of Fort Collins. Discovery is STAYED pending the possible filing of an amended complaint by the plaintiffs and further order of this court. By Judge Robert E. Blackburn on 2/11/2011(sah,) (Entered: 02/11/2011)
03/02/2011	<u>127</u>	AMENDED COMPLAINT <i>and Jury Demand</i> against City of Loveland, Brian (I) Koopman, filed by Jeremy C. Myers.(Meyers, Randall) (Entered: 03/02/2011)
03/11/2011	<u>128</u>	MOTION to Dismiss <u>127</u> Plaintiff's Amended Complaint by Defendant Brian (I) Koopman. (Campbell, Kent) Modified on 3/14/2011 to create

		linkage (sah2,). (Entered: 03/11/2011)
03/25/2011	<u>129</u>	SECOND TRIAL PREPARATION CONFERENCE ORDER: Trial Preparation Conference set for 9/9/2011 at 04:00 PM in Courtroom A1001 before Judge Robert E. Blackburn.Seven (7) day Jury Trial set for 9/26/2011 08:30 AM in Courtroom A1001 before Judge Robert E. Blackburn. By Judge Robert E. Blackburn on 3/25/11. (rebsec,) (Entered: 03/25/2011)
03/25/2011	<u>130</u>	MINUTE ORDER Status Conference concerning discovery set for 4/7/2011 at 9:45 AM in Courtroom A 501 before Magistrate Judge Michael E. Hegarty. By Magistrate Judge Michael E. Hegarty on 3/25/2011. (mehcd) (Entered: 03/25/2011)
03/28/2011	<u>131</u>	NOTICE <i>D.C.COLO.LCivR 40.2</i> by Defendants City of Loveland, Brian Koopman, Brian (I) Koopman (Campbell, Kent) (Entered: 03/28/2011)
03/29/2011	<u>132</u>	MOTION to Continue (<i>Reschedule</i>) <i>Discovery Status Conference</i> by Defendants City of Loveland, Brian Koopman, Brian (I) Koopman. (Campbell, Kent) (Entered: 03/29/2011)
03/30/2011	<u>133</u>	MEMORANDUM regarding <u>132</u> MOTION to Continue (<i>Reschedule</i>) <i>Discovery Status Conference</i> filed by City of Loveland, Brian Koopman, Brian (I) Koopman. Motions referred to Magistrate Judge Michael E. Hegarty by Judge Robert E. Blackburn on 3/30/11. TEXT ONLY ENTRY - NO DOCUMENT ATTACHED(rebsec,) (Entered: 03/30/2011)
03/30/2011	<u>134</u>	MINUTE ORDER granting <u>132</u> Defendants' Motion to Reschedule <i>Discovery Status Conference</i> . Status Conference reset for 4/15/2011 at 9:45 AM in Courtroom A 501 before Magistrate Judge Michael E. Hegarty. By Magistrate Judge Michael E. Hegarty on 3/30/2011. (mehcd) (Entered: 03/30/2011)
03/31/2011	<u>135</u>	RESPONSE to <u>128</u> MOTION to Dismiss <i>Plaintiff's Amended Complaint</i> filed by Plaintiff Jeremy C. Myers. (Meyers, Randall) (Entered: 03/31/2011)
04/14/2011	<u>136</u>	REPLY to Response to <u>128</u> MOTION to Dismiss <i>Plaintiff's Amended Complaint</i> filed by Defendants City of Loveland, Brian Koopman, Brian (I) Koopman. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(Campbell, Kent) (Entered: 04/14/2011)
04/15/2011	<u>137</u>	COURTROOM MINUTES/MINUTE ORDER for proceedings held before Magistrate Judge Michael E. Hegarty: Status Conference held on 4/15/2011. Status Conference set for 5/16/2011 at 9:00 AM in Courtroom A 501 before Magistrate Judge Michael E. Hegarty. (FTR: C. Coomes -- Courtroom A-501) (mehcd) (Entered: 04/15/2011)
04/26/2011	<u>138</u>	MINUTE ORDER. Due to a conflict in the Courts calendar, the Status Conference currently scheduled for 5/16/2011 at 9:00 a.m. will now commence at 9:45 a.m. By Magistrate Judge Michael E. Hegarty on 4/26/2011. (sah,) (Entered: 04/26/2011)

05/16/2011	<u>139</u>	COURTROOM MINUTES/MINUTE ORDER for proceedings held before Magistrate Judge Michael E. Hegarty: Status Conference held on 5/16/2011. (FTR: C. Coomes -- Courtroom A-501) (mehcd) (Entered: 05/16/2011)
06/17/2011	<u>140</u>	ORDER. Defendants Motion To Dismiss Plaintiffs Amended Complaint <u>128</u> filed 3/11/2011, is GRANTED in PART and DENIED in PART. Defendant City of Loveland, Colorado is DROPPED from this action, and the caption of this case is AMENDED accordingly. The stay on discovery in this case is LIFTED. By Judge Robert E. Blackburn on 6/16/2011.(sah,) (Entered: 06/17/2011)
06/20/2011	<u>141</u>	MINUTE ORDER. In consideration of the District Courts June 17, 2011 order granting in part and denying in part Defendants motion to dismiss <u>140</u> a Status Conference is hereby scheduled for 6/29/2011, at 9:15 a.m. in Courtroom A501 before Magistrate Judge Michael E. Hegarty. By Magistrate Judge Michael E. Hegarty on 6/20/2011. (sah,) (Entered: 06/20/2011)
06/29/2011	<u>142</u>	COURTROOM MINUTES/MINUTE ORDER for proceedings held before Magistrate Judge Michael E. Hegarty: Status Conference held on 6/29/2011. Discovery due by 10/31/2011. Dispositive Motions due by 11/30/2011. Initial expert disclosures due by 9/15/2011. Rebuttal expert disclosures due by 10/15/2011. Final Pretrial Conference set for 1/31/2012 09:30 AM in Courtroom A 501 before Magistrate Judge Michael E. Hegarty. (FTR: C. Coomes -- Courtroom A-501) (mehcd) (Entered: 06/29/2011)
06/29/2011	E <u>143</u>	MOTION to Stay by Defendant Brian Koopman. (Campbell, Kent) (Entered: 06/29/2011)
06/30/2011	<u>144</u>	MEMORANDUM regarding <u>143</u> MOTION to Stay filed by Brian Koopman. Motions referred to Magistrate Judge Michael E. Hegarty by Judge Robert E. Blackburn on 6/30/11. TEXT ONLY ENTRY - NO DOCUMENT ATTACHED(rebsec,) (Entered: 06/30/2011)
06/30/2011	E <u>145</u>	RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE re <u>129</u> . Because the majority of discovery has not taken place in this case, the Court respectfully RECOMMENDS that the District Court vacate and reschedule the current trial dates to allow the parties in this matter to conduct meaningful discovery before trial under an abbreviated schedule. By Magistrate Judge Michael E. Hegarty on 6/30/2011. (sah,) (Entered: 06/30/2011)
07/01/2011	E <u>146</u>	OBJECTION/Appeal of Magistrate Judge Decision to District Court re <u>145</u> Report and Recommendations, <u>142</u> Status Conference,, Set Scheduling Order Deadlines, <i>Order Re: Scope of Discovery</i> by Defendant Brian Koopman. (Campbell, Kent) (Entered: 07/01/2011)
07/01/2011	<u>147</u>	NOTICE OF APPEAL as to <u>140</u> Order on Motion to Dismiss, by Defendant Brian Koopman (Campbell, Kent) (Entered: 07/01/2011)

TRANSCRIPT ORDER FORM - DIRECTIONS ON THE REVERSE SIDE

PART I - To be completed by appellant within fourteen days of filing the notice of appeal

Short Title: MYERS v. KOOPMAN District: COLORADO
District Court Number: 09-CV-02802-REB-MEH Circuit Court Number: 11-1299
Name of Attorney: KENT N. CAMPBELL
Name of Law Firm: WICK & TRAUTWEIN, LLC
Address of Firm: 323 S COLLEGE AVE, #3, FORT COLLINS, CO 80524
Telephone of Firm: (970) 482-4011 Attorneys for: APPELLANT
Name of Court Reporter: N/A Telephone of Reporter: N/A

PART II - COMPLETE SECTION A OR SECTION B

SECTION A - I HAVE NOT ORDERED A TRANSCRIPT BECAUSE

- ☒ A transcript is not necessary for this appeal, or
☐ The necessary transcript is already on file in District Court
☐ The necessary transcript was ordered previously in appeal
number _____

SECTION B - I HEREBY ORDER THE FOLLOWING TRANSCRIPT:

(Specify the date and proceeding in the space below)

Voir dire: _____; Opening Statements: _____;
Trial proceedings: _____; Instruction Cnf: _____;
Jury Instructions: _____; Closing Arguments: _____;
Post Trial Motions: _____; Other Proceedings: _____

(Attach additional pages if necessary)

☐ Appellant will pay the cost of the transcript.

My signature on this form is my agreement to pay for the transcript ordered on this form.

☐ This case is proceeding under the Criminal Justice Act.

NOTE: Leave to proceed *in forma pauperis* does not entitle appellant to a free transcript. An order of the district court allowing payment for the transcript at government expense must be obtained. See 28 U.S.C. §753(f).

CERTIFICATE OF COMPLIANCE

I certify that I have read the instructions on the reverse of this form and that copies of this transcript order form have been served on the court reporter (if transcript ordered), the Clerk of U.S. District Court, all counsel of record or pro se parties, and the Clerk of the U.S. Court of Appeals for the Tenth Circuit. I further certify that satisfactory arrangements for payment for any transcript ordered have been made with the court reporter(s).

Signature of Attorney/Pro Se:  Date: 7/5/11

PART III - TO BE COMPLETED BY THE COURT REPORTER

Upon completion, please file one copy with the Clerk of the U.S. Court of Appeals and one copy with the Clerk of the U.S. District Court.

Date arrangements for payment completed: _____

Estimated completion date: _____

Estimated number of pages: _____

I certify that I have read the instructions on the reverse side and that adequate arrangements for payment have been made.

Signature of Court Reporter: _____ Date: _____