

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

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

JEREMY C. MYERS,

Plaintiff,

v.

BRIAN KOOPMAN, Detective in the Loveland, Colorado Police department, in his individual capacity,

Defendant.

FINAL JUDGMENT

Pursuant to Fed. R. Civ. P. 58(a), and the orders entered in this case, **Final Judgment** is entered.

A. Pursuant to the **Order Concerning Defendants' Motions To Dismiss** [#99] entered by Judge Robert E. Blackburn on September 27, 2010, which order is incorporated by reference,

IT IS ORDERED as follows:

1. That under FED. R. Civ. P. 12(b)(6), the **Motion To Dismiss Claims Against Defendants Brian Koopman, Luke Hecker and city of Loveland** [#14] filed January 7, 2010, is **GRANTED** as to the plaintiffs' first and third claims, as alleged in the complaint [#1], because those claims are time barred;

2. That under FED. R. Civ. P. 12(b)(6), the **Motion To Dismiss Claims Against Defendants Brian Koopman, Luke Hecker and city of Loveland** [#14] filed January 7, 2010, is **GRANTED** as to the plaintiffs' claims against defendants Brian Koopman and

Luke Hecker in their official capacities;

3. That under FED. R. CIV. P. 12(b)(6), the **Rule 12(b)(6) 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** [#16] filed January 7, 2010, is **GRANTED** as to the plaintiffs' first and third claims, as alleged in the complaint [#1], because those claims are time barred; and

4. That the plaintiff's first and third claims, as alleged in the complaint [#1], against defendants Brian Koopman, Luke Hecker, the City of Loveland, James A. Alderden, Larimer County, Larimer County Board of County Commissioners, Larry Abrahamson, and the Eight Judicial District, are **DISMISSED WITH PREJUDICE**.

B. Pursuant to the **Order Granting Motion for Clarification & Granting in Part the Motion To Dismiss of Defendants Harrison & Fort Collins** [#118] entered by Judge Robert E. Blackburn on January 28, 2011, which order is incorporated by reference,

IT IS ORDERED as follows:

1. That 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 Loveland's Motion To Dismiss** [#22] filed January 8, 2010, treated as a motion to dismiss, is **GRANTED** as to the plaintiffs' first and third claims, as alleged in the complaint [#2], because those claims are time barred;

2. That 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**

Loveland's Motion To Dismiss [#22] filed January 8, 2010, treated as a motion to dismiss, is **GRANTED** as to the plaintiffs' claims against defendant Dennis V. Harrison in his official capacity; and

3. That the plaintiffs' first and third claims, as alleged in the complaint [#2], against defendants Dennis V. Harrison and the City of Fort Collins, Colorado, are **DISMISSED WITH PREJUDICE**.

C. Pursuant to the **Order Concerning Motions for Summary Judgment** [#126] entered by Judge Robert E. Blackburn on February 11, 2011, which order is incorporated by reference,

IT IS ORDERED as follows:

1. That **Defendant James A. Alderden, Larimer County, Larimer County Board of County Commissioners, Larry Abrahamson and Eighth Judicial District of Colorado's Motion for Summary Judgment** [#86] filed September 1, 2010, is **GRANTED**;

2. That accordingly, the plaintiffs' second, fourth, and fifth claims are **DISMISSED WITH PREJUDICE** as to defendants, James A. Alderden, the Larimer County Board of County Commissioners, Larry Abrahamson, and the Eighth Judicial District of Colorado;

3. That defendants, James A. Alderden, the Larimer County Board of County Commissioners, Larry Abrahamson, and the Eighth Judicial District of Colorado, are **DROPPED** from this action, and the caption of this case is **AMENDED** accordingly;

4. That under FED. R. CIV. P. 12(b)(6), the **Motion To Dismiss Claims Against Defendants Brian Koopman, Luke Hecker and City of Loveland** [#14] filed January 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;

5. That 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 Loveland's Motion to Dismiss** [#22] filed January 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;

6. That 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.

D. Pursuant to the **Order Concerning Defendants' Motion To Dismiss** [#140] entered by Judge Robert E. Blackburn on June 17, 2011, which order is incorporated by reference,

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.

E. Pursuant to the **Order Granting Defendant's Motion for Judgment on the Pleadings** [#244] entered by Judge Robert E. Blackburn on November 8, 2012, which order is incorporated by reference,

IT IS ORDERED as follows:

1. That the **Defendant's Motion For Judgment on the Pleadings** [#169] filed March 8, 2012, is **GRANTED**;

2. That under FED. R. Civ. P. 12(c), the plaintiff's claims under the Fourth Amendment and the Fourteenth Amendment are **DISMISSED**;

3. That **JUDGMENT IS ENTERED** in favor of the defendant Brian Koopman against the plaintiff Jeremy C. Myers;

4. That the defendant is **AWARDED** his costs to be taxed by the clerk of the court under FED. R. Civ. P. 54(d)(1) and D.C.COLO.LCivR 54.1.

DATED at Denver, Colorado, this 15th day of November, 2012.

FOR THE COURT:

Jeffrey P. Colwell, Clerk

By: s/Edward P. Butler
Edward P. Butler
Deputy Clerk