

QUARTERLY REPORT TO CITY COUNCIL

Relating to:
LITIGATION AND ADMINISTRATIVE MATTERS

August 2023

(Covering All Activity through August 31, 2023)



Wynetta Massey
City Attorney/Chief Legal Officer



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LITIGATION SECTION

In this section, the symbol “(IC)” indicates representation by insurance counsel; “(OC)” indicates representation by outside counsel on a contract basis; and “(CC)” indicates that a staff attorney is co-counsel with either outside or insurance counsel. All other litigation matters are handled completely by the City Attorney’s Office staff attorneys. Municipal court appeals have not been included unless they involve significant issues.

DISPOSED CASES

G.E. Johnson Construction Company, Inc. v. City of Colorado Springs, Colorado

El Paso County District Court Case No. 23CV30438

CLAIM: Plaintiff claims breach of contract regarding the construction of the Pikes Peak America’s Mountain Summit Complex.

STATUS: March 9, 2023 City served summons and complaint. March 20, 2023 City files motion for extension of time. March 20, 2023 Court grants motion for extension of time. April 13, 2023 City files answer and counterclaim. **June 7, 2023 parties file stipulated motion to dismiss without prejudice. June 8, 2023 Court grants stipulated motion to dismiss without prejudice.** (Sherman & Howard)(OC)

Mark O’Donnell v. Paonia, Inc. and City of Colorado Springs

El Paso County Small Claims Court Case No. 23S343

CLAIM: Plaintiff claims his vehicle was damaged by a metal plate in a construction zone.

STATUS: May 24, 2023 City served with summons and complaint. July 18, 2023 City files answer. July 24, 2023 Plaintiff voluntarily dismisses claim against the City. (McKinney)

Candace Sgaggio v. John Suthers, in his individual and official capacity; Don Knight, in his individual and official capacity; David Geislinger, in his individual and official capacity; Richard Skorman, in his individual and official capacity; Yolanda Avila, in her individual and official capacity; Jill Gaebler, in her individual and official capacity; Bill Murray, in his individual and official capacity; Tom Strand, in his individual and official capacity; Wayne Williams, in his individual and official capacity; Marcus Allen, in his individual and official capacity; Tyler Bresson, in his individual and official capacity; Nicholas Hamaker, in his individual and official capacity; Eric Anderson, in his individual and official capacity; Vince Niski, in his individual and official capacity; and The City of Colorado Springs

United States District Court Case No. 21-cv-163

Tenth Circuit Case No. 22-1138

CLAIM: Plaintiff claims violation of her first amendment right when Colorado Springs Police violated free exercise of religion.

STATUS: March 12, 2021 City waived service of summons and complaint. April 6, 2021 City files entry of appearance on behalf of defendants. May 7, 2021 City files motion to dismiss. May 11, 2021 Plaintiff files non consent to Magistrate May 11, 2021 Case- reassigned to Judge Jackson; Court denies City’s motion to dismiss without prejudice. June 18, 2021 Plaintiff files motion for extension of time to file amended complaint. June 21, 2021 Court grants motion for extension of time to file amended complaint. June 23, 2021 Plaintiff files amended complaint. July

7, 2021 City files notice of motion to consolidate. July 7, 2021 City files motion to stay. July 23, 2021 Plaintiff files response to motion to stay. August 5, 2021 City files reply to response to motion to stay. August 10, 2021 Court grants motion to stay. October 5, 2021 City files notice of intent to file motion to dismiss. October 15, 2021 Court lifts stay and invites filing of motion to dismiss. October 22, 2021 Defendants file motions to dismiss. October 24, 2021 Plaintiff files response to notice of intent to file motion to dismiss. November 15, 2021 Plaintiff files response to individual defendants' motion to dismiss. November 16, 2021 Plaintiff files response to City's motion to dismiss. November 29, 2021 Defendants file reply to motion to dismiss. March 3, 2022 City files notice of supplemental authority. March 31, 2022 Court files order granting City's motion to dismiss. March 31, 2022 Court issues final judgment. April 13, 2022 City files motion for attorney fees. April 25, 2022 Plaintiff files notice of appeal. April 29, 2022 Plaintiff files motion for reconsideration. May 31, 2022 Plaintiff files response to City's motion for attorney fees. June 10, 2022 City files reply in support of motion for attorney fees. July 5, 2022 Plaintiff files opening brief in Tenth Circuit. July 7, 2022 Court issues order abating appeal until district court decision on motion reconsideration. July 8, 2022 City files response to motion for reconsideration. July 14, 2022 Plaintiff files reply in support of motion for reconsideration. July 15, 2022 Court denies motion for reconsideration. August 15, 2022 Plaintiff files opening brief in Tenth Circuit. September 14, 2022 City files answer brief and appendix. December 22, 2022 Court schedules hearing to determine attorney's fees. February 14, 2023 City files notice of resolution of defendants' motion for attorney's fees. February 14, 2023 Court issues order finding motion for attorney's fees as moot and vacating hearing to determine attorney's fees. April 24, 2023 Tenth Circuit issues order and judgment affirming the district court's judgment. May 16, 2023 Tenth Circuit issues mandate.

(Turner)

Delbert Sgaggio v. Brett Poole, Roger Vargason, Danielle McClarin, Angie Neives, Brett Lacey, Robert Mitchell, DA Dan May, E.M. Land 4250, Lt. Godsey, Bill Elder, etc.

United States District Court Case No. 19-cv-1975

CLAIM: Plaintiff claims Defendants violated his 1st, 4th and 5th Amendment rights.

STATUS: July 11, 2019 Summons and Complaint served. August 29, 2019 City Defendants file motion to dismiss. September 19, 2019 Plaintiff files Notice and Motion under FRCP 15(a)(1)(B) to amend complaint. October 10, 2019 Defendants file response to Plaintiff's Motion to amend his complaint. October 17, 2019 Plaintiff moves to strike Motion to Amend complaint. October 21, 2019 Order grants Plaintiff's motion to withdraw Motion to Amend complaint. February 28, 2020 Magistrate Judge issues Recommendation on Defendants' motions to dismiss. March 11, 2020 Plaintiff files objection to Magistrate Judge recommendation. March 25, 2020 Magistrate Judge withdraws recommendation and Plaintiff's amended complaint is filed. April 8, 2020 Defendants file motions to dismiss amended complaint. April 22, 2020 Plaintiff files motion for leave to file second amended complaint. April 22, 2020 Plaintiff files responses to Defendants' motions to dismiss. May 6, 2020 Defendants file replies in support of motions to dismiss. May 12, 2020 Defendants file joint response to Plaintiff's motion for leave to file a second amended complaint. May 26, 2020 Plaintiff files reply to joint response to Plaintiff's motion for leave to file second amended complaint. February 17, 2021 Court strikes Plaintiff's complaint, denies Plaintiff's motion for leave to file second amended complaint, and orders Plaintiff to file compliant complaint by March 15, 2021. February 18, 2021 Court denies City's motion to dismiss as moot. March 16, 2021 Plaintiff files amended complaint. March 23, 2021 Court issues stay pending

review of amended complaint. July 7, 2021 City files motion to consolidate. July 27, 2021 Plaintiff files response to motion to consolidate. August 9, 2021 City files reply to motion to consolidate. August 23, 2021 Court denies motion to consolidate. January 31, 2022 Court issues recommendation of United States Magistrate Judge. February 16, 2022 Plaintiff files objection to recommendation from the United States Magistrate Judge. March 2, 2022 City files response to objection to recommendation from the United States Magistrate Judge. March 14, 2022 Plaintiff files reply to objection to recommendation from the United States Magistrate Judge. August 3, 2022 City files notice of supplemental authority. October 27, 2022 Court issues order accepting the recommendation of the Magistrate Judge and closing case. October 27, 2022 Court issues final judgment. November 21, 2022 Plaintiff files motion to alter judgment. December 12, 2022 City files response to motion to alter judgment. **June 28, 2023 Court issues order denying motion to alter judgment.**
(Turner)

NEW CASES

Jacqueline Armendariz and Chinook Center v. City of Colorado Springs, Daniel Summey, B.K. Steckler, Jason S. Otero, Roy A. Ditzler, and Federal Bureau of Investigation
United States District Court Case No. 23-cv-1951
CLAIM: Plaintiffs allege violation of their First and Fourth Amendment rights, unlawful search in violation of the stored communications act and deprivation of rights.
STATUS: Complaint filed August 1, 2023. Amended Complaint filed August 18, 2023.
(Turner)

The Estate of Cristo Jesus Canett v. Wellpath, LLC, The Board of County Commissioners of the County of El Paso, Colorado, Sheriff Joseph Roybal, Anthony Lupo, Michelle Silva, Makayla Patterson and Jennene Scott
United States District Court Case No. 23-cv-1211
CLAIM: Plaintiff claims unconstitutional policies and cruel and unusual punishment and deprivation of due process resulting in death.
STATUS: May 19, 2023 City waives service of summons and complaint. July 10, 2023 City files motion for extension of time. July 10, 2023 Court grants motion for extension of time. July 10, 2023 Parties file proposed scheduling order. July 13, 2023 Court issues scheduling order. July 14, 2023 El Paso County files motion for extension of time. July 14, 2023 Court grants motion for extension of time. July 18, 2023 Wellpath Defendants file answer. July 24, 2023 City files motion to dismiss. July 25, 2023 Parties file motion for entry of stipulated protective order concerning confidential information. July 28, 2023 Court grants motion for protective order. July 28, 2023 Court issues protective order concerning confidential information. July 28, 2023 El Paso County files motion to dismiss. August 8, 2023 Plaintiff files motion for extension of time. August 8, 2023 Court grants motion for extension of time.
(Doherty)

Michael Foster v. Colorado Springs Police Department and Daniel Mork
El Paso County District Court Case No. 23CV216
CLAIM: Plaintiff claims excessive force during an arrest.

STATUS: July 13, 2023 City served summons and complaint. July 25, 2025 City files motion for extension of time. July 25, 2023 Court grants motion for extension of time. August 24, 2023 City files motion to dismiss.
(McKinney)

Lawrence T. Johnson v. Brian Kelly, Colorado Springs Police Department, Officer Walker and K-9 Dog

United States District Court Case No. 23-cv-1031

CLAIM: Plaintiff claims excessive use of force and violation of his Fourth Amendment right while being taken into custody.

STATUS: July 17, 2023 City served summons and complaint. August 7, 2023 City files motion for extension of time and to reschedule scheduling conference. August 8, 2023 Court partially grants motion for extension of time but denies City's request to continue scheduling conference. August 21, 2023 Plaintiff files prisoner motion for appointment of counsel.

(McKinney)

Maurice Louishomme v. Justin Murphy, Philip Richardson and Lawson

El Paso County District Court Case No. 23CV251

CLAIM: Plaintiff alleges unlawful detainment during a traffic stop.

STATUS: August 2, 2023 City served summons and complaint. August 23, 2023 City files motion to dismiss.

(Stewart)

Rebecca Varney v. City of Colorado Springs, Chief Adrian Vasquez, Officer David Kester and Officer Carlotta Rivera

United States District Court Case No. 23-cv-1768

CLAIM: Plaintiff alleges violation of Fourth and Fourteenth Amendment rights and malicious prosecution.

STATUS: City waives service on July 20, 2023. August 18, 2023 Kester and Rivera file motion for extension of time. August 18, 2023 Court grants motion for extension of time. August 24, 2023 Parties file proposed scheduling order. August 24, 2023 Court sets scheduling conference.

(Stewart/Vaughan & DeMuro)(CC)

CURRENT CASES

CITY CLERK

Citizens Project, Colorado Latinos Vote, League of Women Voters of the Pikes Peak Region, and Black/Latino Leadership Coalition v. City of Colorado Springs, Office of the City Clerk of Colorado Springs, and Sarah Ball Johnson, in her official capacity as City Clerk

United States District Court Case No. 22-cv-1365

CLAIM: Plaintiff alleges discriminatory impact of the timing of Colorado Springs' municipal elections.

STATUS: June 3, 2022 City served summons and complaint. June 22, 2022 City files motion for extension of time to file responsive pleading. June 23, 2022 Plaintiff files notice of voluntary

dismissal for Defendant Office of the City Clerk. June 23, 2022 Court grants City's motion for extension of time to file responsive pleading. June 24, 2022 Court issues order dismissing Defendant Office of the City Clerk. July 13, 2022 parties file joint motion to amend minute order. July 13, 2022 Court grants motion to amend minute order. July 29, 2022 City files answer to complaint. August 31, 2022 Court enters scheduling order. September 8, 2022 Final Pretrial Conference set for December 7, 2023. September 7, 2022 Tracy Lessig files entry of appearance. November 14, 2022 parties file joint motion for clarification. November 14, 2022 court issues order on joint motion for clarification. November 21, 2022 parties file joint motion for extension of time to respond to written discovery. November 21, 2022 Court grants joint motion for extension of time to respond to written discovery. December 12, 2022 parties file joint motion for protective order. December 13, 2022 Court issues stipulated protective order governing confidential information and documents. April 3, 2023 parties file joint motion to modify scheduling order. April 4, 2023 Court grants joint motion to modify scheduling order. May 24, 2023 Parties file joint motion for entry of stipulated order pursuant to Fed.R.Evid. 502(d). May 30, 2023 Court issues stipulated order pursuant to Fed.R.Evid. 502(d). **June 7, 2023 Parties file joint motion to modify scheduling order. June 7, 2023 Court grants motion to modify scheduling order. June 24, 2023 Parties file joint motion to modify scheduling order. July 28, 2023 City files motion for summary judgment. July 31, 2023 Court grants motion to modify scheduling order. August 16, 2023 Plaintiff files opposition to motion for summary judgment. August 30, 2023 City files reply in support of motion for summary judgment.**
(Lamphere/Lessig)

COUNCIL

2424 GOTG, LLC v. City of Colorado Springs

El Paso County District Court Case No. 21CV31499

Colorado Court of Appeals Case No. 22CA1145

CLAIM: Plaintiff claims City Council abused its discretion in denying the requested zone change.

STATUS: September 23, 2021 City waives service of summons and complaint. October 19, 2021 City files answer. October 19, 2021 City files response to motion requiring certification of record. October 28, 2021 Court orders certification of record by November 19, 2021. November 5, 2021 City files motion for extension of time. November 8, 2021 Court grants motion for extension of time. Certified record due December 31, 2021. December 29, 2021 City files certified record. February 1, 2022 Plaintiff files motion for extension of time. February 3, 2022 Court grants Plaintiff's motion for extension of time. February 9, 2022 City files motion to correct record. February 10, 2022 Court grants motion to correct record. February 10, 2022 Plaintiff files second request for extension of time to file opening brief. February 10, 2022 Court grants Plaintiff's request for extension of time to file opening brief. February 18, 2022 Plaintiff files opening brief. April 8, 2022 City files answer brief. April 22, 2022 Plaintiff files reply brief. May 20, 2022 District Court issues order denying request to set aside City Council's decision. July 8, 2022 Plaintiff files notice of appeal. September 30, 2022 Plaintiff files opening brief. October 25, 2022 City files motion for extension of time. October 26, 2022 Court grants City's motion for extension of time. November 18, 2022 City files Answer Brief. November 18, 2022 Motion for Leave to File Amicus Brief in support of Appellees and Amicus Brief filed by Dorothy Macnak. November 18, 2022 Dorothy Macnak files notice of erratum and corrected amicus brief. November 28, 2022 Court issues order striking first filed amicus brief and accepting corrected amicus brief. November 29, 2022 Plaintiff files motion for extension of time. November 30, 2022 Court grants Plaintiff's

motion for extension of time. December 22, 2022 Plaintiff files reply brief. April 11, 2023 Court issues notice of oral argument. **July 13, 2023 Court issues opinion affirming judgment.**
(Stewart/Lamphere)

Raymond Marshall v. Linda Dix, in her individual and official capacity, City Council of Colorado Springs, and City of Colorado Springs

United States District Court Case No. 21-cv-1971-RM-STV

CLAIM: Plaintiff asserts claims for malicious prosecution, violation of due process, a Frank claim, and civil conspiracy related to his criminal prosecution.

STATUS: July 20, 2021 complaint filed. July 22, 2021 Court issues order setting scheduling conference. August 18, 2021 El Paso County waives service. August 26, 2021 City waives service. September 24, 2021 Defendants file joint unopposed motion to stay. October 6, 2021 parties file motion for extension of time. October 6, 2021 Court grants joint motion for extension of time. October 22, 2021 Plaintiff files notice of amended complaint. December 2, 2021 parties file joint motion to extend and consolidate response deadline. December 2, 2021 Court grants joint motion to extend and consolidate response deadline. January 28, 2022 City files motion to dismiss. February 9, 2022 Plaintiff files motion for additional time to file response to defendants' motions to dismiss. May 19, 2022 Plaintiff files response to Defendants' motion to dismiss. June 9, 2022 Defendants' file reply to motion to dismiss. November 14, 2022 Court grants City's motion to dismiss, and grants in part and denies in part Dix's motion to dismiss. November 16, 2022 Court issues order setting scheduling conference. November 28, 2022 Defendant Dix files answer to amended complaint and jury demand. January 5, 2023 Plaintiff files proposed scheduling order. January 12, 2023 Court issues scheduling order. April 10, 2023 Plaintiff files motion for extension of deadline in scheduling order to amend pleadings. April 11, 2023 Court grants motion for extension of deadline in scheduling order to amend pleadings. May 26, 2023 Plaintiff files motion to amend complaint. **May 31, 2023 Court partially grants motion to amend complaint. June 14, 2023 Plaintiff files renewed motion to amend complaint. June 28, 2023 Dix files response to motion to amend complaint. June 28, 2023 City files response to motion to amend complaint. July 3, 2023 Plaintiff files reply to Defendant Dix's response to motion to amend complaint. July 5, 2023 Plaintiff files reply to City's response to motion to amend complaint. July 6, 2023 Plaintiff files motion to amend scheduling order. July 6, 2023 Court grants motion to amend scheduling order. July 6, 2023 Court grants motion to amend complaint. July 12, 2023 Defendants file joint motion for extension of time. July 13, 2023 Court grants joint motion for extension of time. July 27, 2023 Parties file joint motion for protective order. July 28, 2023 Court grants joint motion for protective order. July 28, 2023 Court issues protective order. August 3, 2023 City files motion to dismiss the second amended complaint. August 3, 2023 City files motion to stay pending a ruling on their motion to dismiss the second amended complaint. August 3, 2023 Defendant Dix files answer to second amended complaint. August 9, 2023 Plaintiff and Defendant Dix file motion to amend scheduling order. August 11, 2023 Court grants motion to amend scheduling order. August 22, 2023 Plaintiff files motion for extension of time. August 22, 2023 Court grants motion for extension of time.**

(Lamphere/Sparks Wilson)(OC)

POLICE

Carl Andersen, Jr. v. City of Colorado Springs, Vito Delcore, Todd Eckert, Carlos Sandoval, Anthony Matarazzo, and Teller County, Colorado

United States District Court Case No. 20-cv-2032

Tenth Circuit Case No. 22-1130

CLAIM: Plaintiff claims that defendants violated his constitutional rights when Defendants attempted to seize his fiancée's cell phone.

STATUS: September 9, 2020 City served summons and complaint. September 16, 2020 City files entry of appearance. September 16, 2020 officers' served summons and complaint. September 16, 2020 Gordon Vaughan enters appearance on behalf of CSPD Officers. September 21, 2020 Defendants file joint motion for protective order. September 21, 2020 Reid Allison files entry of appearance on behalf of Plaintiff. September 21, 2020 Plaintiff files non consent to United States magistrate judge to conduct proceedings. September 21, 2020 Plaintiff files motion for extension of time to file scheduling order. September 22, 2020 Court denies motion for protective order. September 22, 2020 Court denies motion for extension of time to file scheduling order. October 5, 2020 parties file joint motion for extension of time to file proposed scheduling order. October 6, 2020 Court grants joint motion for extension of time to file proposed scheduling order. October 8, 2020 Defendants' file unopposed joint motion for extension of time to file responsive pleadings. October 8, 2020 Court grants joint motion for extension of time to file answer or otherwise respond. November 16, 2020 City files notice of intent to file motion to dismiss. November 16, 2020 Defendants file answer. November 25, 2020 Court files order setting trial dates. November 30, 2020 parties file joint motion for protective order. December 1, 2020 Court grants joint motion for protective order. January 27, 2021 Court issues order on City's notice to file motion to dismiss. February 3, 2021 City files motion to dismiss. February 22, 2021 Plaintiff files motion for extension of time to respond to motion to dismiss. February 23, 2021 Court grants Plaintiff's motion for extension of time. March 3, 2021 Plaintiff files response o City's motion to dismiss. March 17, 2021 City files reply to motion to dismiss. Plaintiff files unopposed motion for extension of time of rebuttal experts and discovery. June 10, 2021 Court grants plaintiff motion for extension of time. Defendants file joint motion to strike portions of expert report. August 2, 2021 Plaintiff files motion for extension of time to respond to motion to strike. August 2, 2021 Court grants Plaintiff's motion for extension of time. August 6, 2021 Plaintiff files response to motion to strike. August 12, 2021 Court grants in part and denies in part City's motion to dismiss. August 12 Defendant's file reply to response to motion to strike. August 22, 2021 Defendant Officers file notice of intent to file motion for summary judgment. August 26, 2021 parties file joint motion to amend scheduling order. August 26, 2021 City files answer. August 27, 2021 Defendant Teller County files notice of intent to file motion for summary judgment. August 27, 2021 City files notice of intent to file motion for summary judgment. September 1, 2021 parties file motion to unseal criminal records. September 2, 2021 Court grants motion to modify scheduling order. September 13, 2021 Court files order allowing filing of motion for summary judgment. September 27, 2021 Plaintiff files motion to modify the scheduling order to extend discovery to complete depositions. September 28, 2021 Court grants Plaintiff's motion to modify the scheduling order to extend discovery to complete depositions. October 12, 2021 Defendants' file motion for summary judgment. October 25, 2021 parties file joint motion for separate trials. November 2, 2021 Plaintiff files motion for extension to file responses to motions for summary judgment. November 2, 2021 Court grants motion for extension of time to file responses to motions for summary judgment.

November 19, 2021 Plaintiff files response to motion to bifurcate. November 19, 2021 Plaintiff files response to Defendants' Teller County and CSPD Officers' motions for summary judgment. November 24, 2021 Plaintiff files response to City's motion for summary judgment. December 21, 2021 Defendant Teller County files reply to motion for summary judgment. December 22, 2021 Defendant City and CSPD Officers' file reply to motion for summary judgment. March 14, 2022 Defendants' file motion in limine. March 22, 2022 Officer Defendants file motion to vacate trial based on the Servicemembers Civil Relief Act. March 22, 2022 Court grants motion to vacate trial based on the Servicemembers Civil Relief Act. March 29, 2022 Court issues order on defendants' motion for summary judgment. April 4, 2022 Plaintiff files motion for extension of time to file response to motion in limine. April 5, 2022 Court grants Plaintiffs motion for extension of time to file response to motion in limine. April 11, 2022 Court issues amended order setting trial and trial preparation conference. April 19, 2022 Defendant DelCore files notice of appeal. April 27, 2022 parties file entry of appearance in the Tenth Circuit. June 22, 2022 Defendant Delcore files opening brief. July 21, 2022 Plaintiff files motion to extend time. July 22, 2022 Court grants motion to extend time. August 19, 2022 Plaintiff files response brief. October 7, 2022 City files reply brief. November 8, 2022 oral arguments are scheduled. November 21, 2022 calendar acknowledgment form filed by Plaintiff. November 21, 2022 calendar acknowledgment form filed by Defendant DelCore. January 17, 2023 case argued before appellate court. **July 27, 2023 Court issues order on motions in limine. August 18, 2023 Tenth Circuit issues opinion reversing the district court's denial of DelCore's qualified immunity and remands with instructions for the district court to enter judgment in favor of DelCore.**

(Doherty/Vaughan and DeMuro)(CC)

Liam Anderson v. Alana Schuff, Alexis Falcon, Christopher Beyrle, Troy Lindvall, Crystal Townsend, Daniel May, Douglas Johnson, Dylan Peters, Earl Willard Cook, Howard Black, Mark Lackey James Eckels, Jennifer Darby, Jennifer Vanderpool, Jeremy Sheldon, Justin Derosa, Marisa Salazar, Michael Allen, Michal St. Charles, Brandon Sweeney, Christopher Fernandes, Levi Braun, Nathan Schur, Rachel Fox, Sandra Seifert, Robert Dazey, Spencer Stringham, Stephen Lepine, Thomas Conaway, Tiffany Vaughn, Unknown CSPD officers 1-10, Unknown El Paso County District Attorney Office Records Custodian, Winifred Lepine and Zachary Maher.

El Paso County District Court Case No. 23CV9

CLAIM: Plaintiff claims civil battery and excessive force, false imprisonment, civil fraud, false reporting, slander/libel, denial of due process related to his criminal arrest in July 2019.

STATUS: January 24, 2023 City served summons and complaint. February 3, 2023 City files motion for extension of time. February 6, 2023 Court grants City's motion for extension of time. February 7, 2023 El Paso County files motion for extension of time. February 8, 2023 Court grants El Paso County's motion for extension of time. February 14, 2023 Earl Cook files motion for extension of time. February 14, 2023 Court grants motion for extension of time. February 15, 2023 Levines file motion for extension of time. February 16, 2023 Court grants motion for extension of time. February 21, 2022 Plaintiff files motion to introduce exhibits and motion to request waiver of service. February 23, 2023 Court denies Plaintiff's motion to introduce exhibits and motion to request waiver of service. February 27, 2023 El Paso County files motion to dismiss. March 1, Plaintiff files memorandum. March 7, 2023 CSPD files motion to dismiss Plaintiff's complaint. March 9, 2023 Cook files motion for extension of time. March 13, 2023 Plaintiff files motion for omnibus response to the motions to dismiss. March 14, 2023 Cook files motion to dismiss. March 21, 2023 Court grants Cook's motion for extension of time. March 24, 2023 Lepines and Johnson

file second motion for extension of time. March 26, 2023 Court denies motion for omnibus response to the motions to dismiss. March 27, 2023 Plaintiff files memorandum. March 29, 2023 Court grants Lepines and Johnson's motion for extension of time. April 3, 2023 Plaintiff files memorandum. April 5, 2023 Cook files response to Plaintiff's memoranda. April 5, 2023 Plaintiff files motion to order deadline for the filing of responses to the motions to dismiss from the defendants. April 5, 2023 Plaintiff files omnibus response to motions to dismiss from the CSPD, DAO and EPSO defendants. April 6, 2023 Lepines and Johnson file motion to dismiss. April 12, 2023 El Paso County files motion for extension of time. April 13, 2023 Court grants El Paso County motion for extension of time. April 19, 2023 El Paso County files reply to plaintiff's omnibus response to motions to dismiss from the CSPD, DAO and EPSO defendants. April 25, 2023 Plaintiff files motion for leave to amend the operative complaint. May 8, 2023 Plaintiff files motion to strike. May 11, 2023 Cook files response to motion to strike. May 22, 2023 Lepines and Johnson file response to motion to strike. May 23, 2023 Court grants Cook's motion to dismiss. May 23, 2023 Court grants El Paso County's motion to dismiss. May 24, 2023 Court denies Plaintiff's motion to strike. May 24, 2023 Court grants CSPD's motion to dismiss. May 25, 2023 Court grants Lepines and Johnson's motion to dismiss. **June 6, 2023 Plaintiff files amended complaint. June 9, 2023 Plaintiff files notice of interlocutory appeal. June 23, 2023 Court of Appeals issues order. July 10, 2023 Plaintiff files response to order. July 18, 2023 Court issues order to show cause. August 17, 2023 Plaintiff files motion to stay proceedings. August 21, 2023 Court denies motion to stay proceedings and orders Plaintiff's appeal dismissed with prejudice.**

(McKinney)

Edward Billings v. City of Colorado Springs, El Paso County Sheriff's Office, Three Other Unknown Agents of the Colorado Springs Police Department and The El Paso County Sheriff's Office

United States District Court Case No. 21-cv-02084

CLAIM: Plaintiff alleges his First, Fourth and Fourteenth Amendment rights were violated during a protest at the Broadmoor World Arena.

STATUS: October 21, 2021 City served summons and complaint. November 12, 2021 City files unopposed motion for extension of time to file responsive pleading and to reschedule the deadline to file a proposed scheduling order. November 29, 2021 Court issues second amended order setting initial case deadlines. December 17, 2021 City files motion to dismiss. December 17, 2021 City files motion for protective order and to vacate deadline to file proposed scheduling order. January 7, 2022 Court grants motion for protective order and to vacate deadline to file proposed scheduling order. January 10, 2022 Plaintiff files motion to file amended complaint. January 10, 2022 Plaintiff files response to motion to dismiss. January 24, 2022 Defendants file motion to dismiss amended complaint. February 14, 2022 Plaintiff files response to motion to dismiss. February 28, 2022 Defendants' file reply to motion to dismiss. September 30, 2022 Court grants motion to file amended complaint and denies motion to dismiss initial complaint as moot.

(Lamphere)

Estate of Chad Alexander Burnett v. City of Colorado Springs, a municipality, Sergeant Michael Inazu, in his individual capacity, Officer Joseph Daigle, in his individual capacity, Officer Matthew Fleming, in his individual capacity, and Officer Caroline Barth, in her individual capacity

United States District Court Case No. 21-cv-1708

CLAIM: Plaintiff alleges that officers unlawfully entered residence of deceased, used excessive force, provided Mr. Burnett with inadequate medical care, and the City had an unlawful custom, policy or practice related to warrantless entry, excessive force and providing medical care.

STATUS: June 24, 2021 summons and complaint received. June 24, 2021 Court sets initial case deadlines. August 30, 2021 City files motion to dismiss. August 30, 2021 City files motion for protective order. September 8, 2021 Plaintiff files non consent to magistrate form. September 8, 2021 case reassigned to Judge Martinez. September 13, 2021 Court strikes City's motion to dismiss without prejudice. September 20, 2021 Plaintiff files response to motion for protective order. September 30, 2021 Plaintiff files motion to amend complaint. October 4, 2021 City files reply to motion for protective order. October 21, 2021 City files response to motion for leave to file amended complaint. October 28, 2021 Plaintiff files reply in support of motion for leave to file amended complaint. January 14, 2022 City files motion to dismiss or, alternatively, partial early motion for summary judgment. January 25, 2022 Court grants motion for protection order. January 28, 2022 Plaintiff files motion for extension of time to file response to motion to dismiss. January 31, 2022 Court denies Plaintiff's motion for extension of time to file response to motion to dismiss. January 31, 2022 Plaintiff files amended motion for extension of time to file response to motion to dismiss. February 18, 2022 Plaintiff files response to motion to dismiss. March 4, 2022 City files reply to motion to dismiss. July 22, 2022 Court issues order granting in part and denying in part motion to dismiss. August 5, 2022 City files answer. August 31, 2022 parties file joint motion for stipulated protective order. August 31, 2022 Court grants joint motion for stipulated protection order. September 7, 2022 Court enters scheduling order. September 13, 2022 City files notice of amended pleading. September 13, 2022 City files first amended answer. December 8, 2022 City files entry of appearance. February 6, 2023 City files joint motion to modify scheduling order. February 6, 2023 Court grants motion to amend scheduling order. April 19, 2023 parties file motion to amend scheduling order. April 25, 2023 discovery conference held. **August 4, 2023 City files motion to amend scheduling order. August 5, 2023 Court grants motion to amend scheduling order.**

(Lamphere/McKinney)

Sasha Cronick v. City of Colorado Springs, Christopher Pryor, in his official and individual capacity, Robert McCafferty, in his official and individual capacity, Daniel Lambert, in his official and individual capacity, Michael Inazu, in his official and individual capacity
United States District Court Case No. 20-CV-00457

CLAIM: Plaintiff claims defendants conduct violated her Fourth Amendment rights.

STATUS: February 21, 2020 Plaintiff files complaint. March 20, 2020 City served with summons and complaint. March 31, 2020 City files entry of appearance. May 5, 2020 City files motion for protective order from discovery. May 19, 2020 City files motion to dismiss. June 12, 2020 Plaintiff files response to motion to dismiss. June 26, 2020 City files reply brief in support of motion to dismiss. October 8, 2020 Court stays discovery. February 19, 2021 Magistrate Judge issues recommendation granting and denying motion to dismiss in part. March 4, 2021 parties file joint motion for extension of time to file objections to Magistrate Judge's recommendations. March 15, 2021 Plaintiff files motion to file amended complaint. March 15, 2021 Officers' file objections to Magistrate Judge's recommendations. March 22, 2021 City files opposition to Plaintiff's motion to amend complaint. March 24, 2021 City files second motion for protective order. March 26, 2021 Court grants Plaintiff's motion for leave to file amended complaint. March 26, 2021 Court grants City's motion for protective order. April 2, 2021 Plaintiff files amended

complaint. April 16, 2021 defendants file motion to dismiss amended complaint. May 7, 2021 Plaintiff files response to motion to dismiss. May 24, 2021 City files reply to motion to dismiss first amended complaint. January 13, 2022 Court grants in part and denies in part City's motion to dismiss. January 27, 2022 City files answer. February 10, 2022 Court issues scheduling order. October 12, 2022 Parties file joint motion for entry of protective order. October 13, 2022 Court grants joint motion for entry of protective order. December 16, 2022 City files motion for summary judgment. January 6, 2023 Plaintiff files motion for extension of time. January 9, 2023 court grants Plaintiff's motion for extension of time. January 13, 2023 Court schedules informal discovery conference. January 23, 2023 Plaintiff files second motion for extension of time. January 24, 2023 Court grants Plaintiff's second motion for extension of time. January 25, 2023 discovery conference held. January 27, 2023 Plaintiff files response to motion for summary judgment. February 9, 2023 City files motion for extension of time. February 13, 2023 Court grants City's motion for extension of time. February 17, 2023 City files reply to response to motion for summary judgment. April 24, 2023 status conference held. **June 5, 2023 Plaintiff files motion for extension of time. June 6, 2023 Court grants motion for extension of time. June 7, 2023 Parties file proposed final pretrial order. June 12, 2023 final pretrial conference held. June 20, 2023 Court issues order partially granting City's motion for summary judgment. June 20, 2023 City files motion for sanctions. July 6, 2023 Plaintiff files motion for extension of time. July 6, 2023 Court grants motion for extension of time. July 7, 2023 Parties file proposed pretrial order. July 20, 2023 City files notice of appeal. August 7, 2023 Plaintiff files motion to stay briefing on motion for sanctions until after an order on appeal. August 14, 2023 City files response in opposition to motion to stay briefing. August 15, 2023 Court denies motion to stay briefing. August 18, 2023 Plaintiff files second motion for extension of time. August 21, 2023 Court grants second motion for extension of time. August 25, 2023 Plaintiff files response to motion for sanctions.**

(Doherty)

Dalvin Gadson Ochoa v. Officer Colby J. Hickman, Officer Matthew Anderson and Officer Christopher K. Hummel

United States District Court Case No. 22-cv-3278

CLAIM: Plaintiff claims excessive force and failure to intervene in violation of the Fourth Amendment during a traffic stop.

STATUS: January 11, 2023 City served summons and complaint. January 31, 2023 City files motion for extension of time. January 31, 2023 Court grants City's motion for extension of time. March 8, 2023 parties file joint motion for extension of time. March 8, 2023 Court grants motion for extension of time. March 14, 2023 Plaintiff files amended complaint and jury demand. March 31, 2023 Hickman files answer. March 31, 2023 Hummel files answer. March 31, 2023 Anderson files answer. April 7, 2023 Court issues order resetting scheduling conference. March 2, 2023 parties file joint motion for entry of protective order concerning confidential information. March 2, 2023 parties file proposed scheduling Order. May 8, 2023 parties file stipulated protective order. May 8, 2023 Court grants motion for protective order concerning confidential information. May 10, 2023 Plaintiff files amended complaint. May 10, 2023 Court issues scheduling order. **May 11, 2023 Court strikes amended complaint.**

(Lamphere/SGR, LLC/Kissinger & Fellman, P.C./Vaughan & DeMuro)(OC)

Jeffrey Jackson v. John Doe, CSPD Officer

United States District Court Case No. 22-cv-3116

CLAIM: Plaintiff claims use of excessive force, conspiracy to obstruct justice, malicious prosecution and false imprisonment related to his criminal arrest in October 2020.

STATUS: March 2, 2023 City served summons and complaint. March 15, 2023 City files motion for extension of time. March 15, 2023 Court grants motion for extension of time. April 13, 2023 City files motion to dismiss Plaintiff's amended complaint.

(McKinney)

Amara Keens-Dumas v. Sergeant Gregory Wilhelmi, Officer Ryan Yoshimiya and Officer Brianna Ragsdale

El Paso County District Court Case No. 22CV31772

CLAIM: Plaintiff alleges Defendants used excessive force during her arrest in October 2020.

STATUS: November 16, 2022 City files waivers and acceptance of service on behalf of Defendants. December 6, 2022 City files motion for enlargement of time. December 6, 2022 Court grants City's motion for enlargement of time. January 11, 2023 City files motion to dismiss. February 1, 2023 Plaintiff files motion for extension of time. February 2, 2023 Court grants Plaintiff's motion for extension of time. February 15, 2023 Plaintiff files response to City's motion to dismiss. February 22, 2023 City files reply brief in support of motion to dismiss. March 20, 2023 Court grants motion to dismiss. April 3, 2023 City files answer and jury demand. April 3, 2023 Plaintiff files motion for reconsideration of order granting defendants' partial motion to dismiss. April 10, 2023 City files notice of filing affidavit of Gordon L. Vaughan and attorney's fee billing records. April 24, 2023 Plaintiff files notice to set case management conference. April 24, 2023 City files response brief in opposition to motion for reconsideration. **June 8, 2023 Parties file proposed case management order. June 15, 2023 case management conference held. June 15, 2023 Court issues case management order.**

(Doherty)

Jeffery Melvin v. City of Colorado Springs, Daniel Patterson, in his individual capacity, and Joshua Archer, in his individual capacity

United States District Court Case No. 20-CV-00991

Tenth Circuit Court of Appeals Case No. 23-1070

CLAIM: Plaintiff claims excessive force resulting in death.

STATUS: April 8, 2020 Complaint filed. April 15, 2020 Waivers of service filed for City and Patterson. June 10, 2020 City files motion to dismiss. June 10, 2020 City files motion for protective order from discovery and to vacate scheduling conference. June 26, 2020 Plaintiff files motion for extension of time to file response to motion to dismiss. July 1, 2020 Plaintiff files amended complaint. July 1, 2020 Plaintiff files response to motion for protective order. July 2, 2020 City files motion for separate trials of individual and municipal liability claims and for protective order from discovery on Plaintiff's municipal liability claims. July 2, 2020 City files motion to reschedule Fed. R. Civ. P. 16(b) scheduling and planning conference. July 6, 2020 Plaintiff files motion for additional time to serve Defendant Joshua Archer. July 7, 2020 Court grants motion to reschedule scheduling and planning conference. July 7, 2020 Court grants Plaintiff's motion for additional time to serve Defendant Joshua Archer. July 7, 2020 City files motion to dismiss amended complaint. July 23, 2020 Plaintiff files response to motion to bifurcate. July 24, 2020 Plaintiff files motion for extension of time to file response to motion to dismiss amended

complaint. July 24, 2020 Court grants Plaintiff's motion for extension of time to file response to motion to dismiss amended complaint. August 4, 2020 Plaintiff files response to motion to dismiss. August 6, 2020 City files reply to response to motion to bifurcate. August 10, 2020 Plaintiff files motion for leave to serve Defendant Joshua Archer by substituted service of process. August 18, 2020 City files reply in support of motion to dismiss amended complaint. August 31, 2020 City files response to motion for leave to serve Defendant Joshua Archer by substituted service of process. September 2, 2020 Plaintiff files second unopposed motion for additional time to serve Defendant Joshua Archer. September 14, 2020 Plaintiff files unopposed motion for extension of time to file reply to Plaintiff's motion for leave to serve Defendant Joshua Archer by substituted service of process. September 15, 2020 Court grants motion for extension of time to file reply to motion for leave to serve Defendant Joshua Archer by substituted service. September 17, 2020 Plaintiff files reply to response to motion for leave to serve Defendant Joshua Archer by substituted service of process. October 7, 2020 Court orders City to provide Defendant Joshua Archer's email address to Plaintiff. October 8, 2020 City files motion for protective order from discovery. October 19, 2020 Court orders Plaintiff to file a status report on or before November 16, 2020. October 29, 2020 Plaintiff files response to motion for protective order. October 29, 2020 Plaintiff files response to motion for protective order. November 12, 2020 City files reply in support of motion for protective order. November 16, 2020 Plaintiff files waiver of service for Joshua Archer. November 16, 2020 Plaintiff files status report. December 18, 2020 City files joinder of Defendant Joshua Archer in partial motion to dismiss amended complaint. January 6, 2021 Court denies motion for separate trials. February 22, 2021 Magistrate Judge issues order recommending motion to dismiss be granted in part and denied in part. March 4, 2021 Plaintiff files unopposed motion for extension of time to file objection to Magistrate Judge's order. March 11, 2021 Court grants Plaintiff's motion for extension of time to file objection. March 15, 2021 Plaintiff files objection to Magistrate Judge's order recommending motion to dismiss be granted in part and denied in part. March 29, 2021 City files response to Plaintiff's objection. April 1, 2021 City files motion to vacate deadline for submission of proposed scheduling order and City's renewed motion for protective order from discovery. April 2, 2021 Court grants City's motion to vacate deadline for submission of proposed scheduling order and City's renewed motion for protective order from discovery. April 5, 2021 Plaintiff files motion for fees and costs. April 7, 2021 Plaintiff files notice of supplemental authority. April 27, 2021 City files response to motion for fees and costs. May 6, 2021 Plaintiff files motion for extension of time to reply to response for fees and costs. May 10, 2021 Court grants motion for extension of time to reply to motion for fees and costs. May 17, 2021 Plaintiff files reply to motion for fees and costs. September 29, 2021 the Court issues order affirming in part and rejecting in part Magistrate Judge recommendation. September 29, 2021 Court issues order lifting stay. October 13, 2021 City Defendants files answer. October 20, 2021 parties file proposed scheduling order. October 21, 2021 Court issues scheduling order. January 31, 2022 parties file a joint motion for entry of protective order. January 31, 2022 Court grants joint motion for entry of protective order. January 31, 2022 Court issues stipulated protective order. February 24, 2022 Court issues order denying Plaintiff's motion for fees and costs. May 19, 2022 parties file joint motion to modify scheduling order. May 19, 2022 Court grants joint motion to modify scheduling order. July 7, 2022 Plaintiff files motion to modify scheduling order. July 11, 2022 Defendants file response to motion to modify scheduling order. July 8, 2022 Plaintiff files reply to motion to modify scheduling order. July 8, 2022 Court grants Plaintiff's motion to modify scheduling order. August 11, 2022 Individual Defendants file motion for summary judgment. August 12, 2022 Defendants file motion to stay discovery and to vacate final pretrial conference.

August 19, 2022 City files response to motion to stay discovery and to vacate final pre trial conference. August 30, 2022 Plaintiff files motion for extension of time to file response to motion for summary judgment. August 31, 2022 Court grants motion for extension of time to file response to motion for summary judgment. September 1, 2022 Court denies City's motion to stay discovery and to vacate final pre trial conference. September 7, 2022 City files unopposed motion to amend scheduling order. September 8, 2022 Court grants motion to amend scheduling order. September 20, 2022 Plaintiff files second unopposed motion for extension of time to file response to motion for summary judgment. September 20, 2022 Court grants Plaintiff's second unopposed motion for extension of time to file response to motion for summary judgment. October 3, 2022 Plaintiff files third unopposed motion for extension of time to file response to motion for summary judgment. October 4, 2022 Court grants Plaintiff's third unopposed motion for extension of time to file response to motion for summary judgment. October 19, 2022 Plaintiff files fourth unopposed motion for extension of time to file response to motion for summary judgment. October 20, 2022 Court grants fourth unopposed motion for extension of time to file response to motion for summary judgment. October 25, 2022 Plaintiff files motion to exceed page limit on response to Individual Defendants' motion for summary judgment. October 25, 2022 Court grants Plaintiff's motion to exceed page limit on response to Individual Defendants' motion for summary judgment. October 27, 2022 Plaintiff files response to Individual Defendants' motion for summary judgment. November 7, 2022 Individual Defendants file motion for extension of time to file reply to motion for summary judgment. November 21, 2022 City files motion for summary judgment. November 29, 2022 Individual Defendants file motion for leave to exceed page limit on reply in support of their motion for summary judgment. November 29, 2022 Court grants Individual Defendants' motion for leave to exceed page limit. December 1, 2022 Individual Defendants file reply to response to motion for summary judgment. December 8, 2022 Parties file joint motion for extension of time. December 15, 2022 Court grants Parties' joint motion for extension of time. December 21, 2022 Plaintiff files second motion for extension of time. December 22, 2022 Defendants file motion to exclude Plaintiff's non-retained experts, motion to exclude the opinions of Allen Parkman quantifying hedonic damages, and motion to exclude opinions of Jeffrey Nehls and Patricia L. Pacey. December 29, 2022 Court grants Plaintiff's second motion for extension of time. January 3, 2023 Plaintiff files third motion for extension of time. January 7, 2023 Court grants Plaintiff's third motion for extension of time. January 11, 2023 Plaintiff files motion for extension of time. January 12, 2023 Court grants Plaintiff's motion for extension of time. January 17, 2023 Plaintiff files response to City's motion for summary judgment. January 25, 2023 Plaintiff files second motion for extension of time. January 25, 2023 Court grants Plaintiff's second motion for extension of time. January 30, 2023 final pretrial conference held. January 31, 2023 City files reply to response to motion for summary judgment. February 2, 2023 Plaintiff files responses to motion to exclude Plaintiff's non-retained experts, motion to exclude the opinions of Allen Parkman quantifying hedonic damages, and motion to exclude opinions of Jeffrey Nehls and Patricia L. Pacey. February 16, 2023 Defendants file replies to responses to motion to exclude Plaintiff's non-retained experts, motion to exclude the opinions of Allen Parkman quantifying hedonic damages, and motion to exclude opinions of Jeffrey Nehls and Patricia L. Pacey. March 8, 2023 Court denies motions for summary judgment. March 10, 2023 parties file proposed final pretrial order. March 13, 2023 Defendants file notice of appeal. March 14, 2023 Court docketed appeal and assigns case number. March 29, 2023 Court certifies record is complete. March 29, 2023 Plaintiff files motion to certify Defendants' appeal as frivolous. April 19, 2023 Defendants file response to motion to certify Defendants' appeal as frivolous. May 3, 2023 Plaintiff files reply

in support of motion to certify Defendants' appeal as frivolous. May 3, 2023 City files motion for extension of time. May 4, 2023 Tenth Circuit grants motion for extension of time. May 12, 2023 Court issues order denying motion to certify appeal as frivolous. **June 7, 2023 City files opening brief. July 5, 2023 Plaintiff files motion for extension of time. July 5, 2023 Tenth Circuit grants motion for extension of time. July 28, 2023 Plaintiff files answer brief. August 15, 2023 City files motion for extension of time. August 15, 2023 Court grants motion for extension of time.**

(Turner/McKinney)

John Mullins v. Brian Kelly, in his individual capacity

United States District Court Case No. 21-cv-589

CLAIM: Plaintiff alleges excessive and mental anguish when CSPD used a K-9 to arrest Plaintiff.

STATUS: Summons and Complaint served May 5, 2021. May 7, 2021 City files entry of appearance. May 14, 2021 City files motion to reset scheduling order. July 6, 2021 City files motion to dismiss. August 3, 2021 Plaintiff files response to motion to dismiss. August 8, 2021 Defendants file amended motion to dismiss. August 17, 2021 City files reply in support of motion for a protective order and to stay discovery. August 27, 2021 Plaintiff files response to motion to dismiss. September 10, 2021 City files reply to motion to dismiss. December 15, 2021 Court grants in part and denies in part City's motion to dismiss. December 29, 2021 City files answer. January 24, 2022 parties file proposed scheduling order. October 28, 2022 parties file joint motion for protective order. November 2, 2022 Court grants motion for protective order. November 7, 2022 Plaintiff files motion to amend scheduling order. November 7, 2022 Court grants motion to amend scheduling order. January 9, 2023 City files motion for summary judgment. January 10, 2023 attorney for Plaintiff Catherine Ordonez files motion to withdraw as counsel. January 11, 2023 Court grants Plaintiff's motion to withdraw. January 30, 2023 Plaintiff files motion for extension of time. January 31, 2023 Court grants Plaintiff's motion for extension of time. February 2, 2023 City files motion to amend scheduling order. February 3, 2023 Court grants City's motion to amend scheduling order. February 28, 2023 Plaintiff files response to motion for summary judgment. March 14, 2023 City files reply in support of motion for summary judgment. March 27, 2023 parties file proposed final pretrial order. April 3, 2023 final pretrial conference held. April 17, 2023 parties file proposed final pretrial order. April 19, 2023 Court issues final pretrial order. April 24, 2023 Court issues order setting jury trial.

(Stewart)

Michael Lynn Ratcliff, Jr. v. Bill Elder, Sheriff, Tyler Brown, Sheriff, Frances Johnson, Judge, Lizet Castillo, Colorado Springs Police Department Officer, Shane Owen, Colorado Springs Police Department Officer, Clayton Sunada, Colorado Springs Police Department Officer

United States District Court Case No. 23-cv-605

CLAIM: Plaintiff claims violation of right to a speedy trial, interrogation without legal counsel and incarceration without bond set.

STATUS: April 28, 2023 City served summons and complaint. May 15, 2023 Brown files motion to dismiss. May 24, 2023 Johnson files motion to dismiss. May 30, 2023 Elder files motion to dismiss. **June 2, 2023 Plaintiff files response to Brown's motion to dismiss. June 2, 2023 Plaintiff files response to Johnson's motion to dismiss. June 9, 2023 City files motion to dismiss. June 12, 2023 Plaintiff files response to Elder's motion to dismiss. June 14, 2023**

Johnson files reply to response to motion to dismiss. June 20, 2023 Brown files reply to response to motion to dismiss. June 26, 2023 Elder files reply to response to motion to dismiss. June 26, 2023 Plaintiff files response to City's motion to dismiss. June 27, 2023 Court issues order setting initial case deadlines. July 10, 2023 City files reply to response to motion to dismiss. July 18, 2023 Defendants file motion to stay discovery and all future proceedings pending. August 8, 2023 Parties file proposed scheduling order. August 9, 2023 Court schedules motion hearing and scheduling conference.

(McKinney)

Michael Sexton v. City of Colorado Springs, Colorado, Christine Somersalmi and Eddie Nassar
United States District Court Case No. 23-cv-555

CLAIM: Plaintiff claims Defendants' conduct violated his First and Fourth Amendment rights.

STATUS: March 9, 2023 City served with summons and complaint. March 22, 2023 City files unopposed motion to reschedule scheduling conference. March 22, 2023 Court grants unopposed motion to reschedule scheduling conference. April 19, 2023 parties file stipulation to dismiss Plaintiff Jazzmen Lueders' claims with prejudice. April 20, 2023 Court grants motion to dismiss all claims by Plaintiff Jazzmen Lueders. April 20, 2023 Plaintiff files amended complaint and jury demand. May 5, 2023 City files motion to dismiss. May 5, 2023 City files motion to stay discovery and to vacate scheduling conference. May 9, 2023 Plaintiff files response to motion to stay discovery and to vacate scheduling conference. May 11, 2023 City files reply to response to motion to stay discovery and to vacate scheduling conference. May 11, 2023 Court grants motion to stay discovery and to vacate scheduling conference. May 15, 2023 Plaintiff files response to Defendants' motion to dismiss. May 24, 2023 City files motion for extension of time. **June 20, 2023 City files reply to response to motion to dismiss.**

(Turner)

Vanessa Vildosola and Ariyana Vildosola v. City of Colorado Springs
El Paso County District Court Case No. 22CV31701

CLAIM: Plaintiff alleges wrongful conduct when operating a motor vehicle.

STATUS: October 3, 2022 City served summons and complaint. October 17, 2022 Plaintiff files first amended complaint. October 31, 2022 City files answer to amended complaint. November 1, 2022 Court issues delay prevention order/show cause. November 10, 2022 Plaintiff files notice to set case management conference. December 1, 2022 Plaintiff files notice of case management conference. December 5, 2022 Plaintiff files proposed case management order. December 13, 2022 Plaintiff files notice to reset case management conference. December 22, 2022 Plaintiff files notice of case management conference. January 23, 2023 case management conference held. January 23, 2023 Court issues case management order. January 23, 2023 Plaintiff files notice of pretrial readiness hearing and five-day jury trial. April 4, 2023 entry of appearance filed for plaintiff. **August 17, 2023 Court resets pretrial readiness conference. August 22, 2023 Plaintiff files notice of pretrial readiness conference.**

(Stewart)

COLORADO SPRINGS FIRE DEPARTMENT

Patricia Cadilli as lineal heir to Margaret L. Miller (deceased) v. Colorado Springs Fire Department and El Paso County Emergency Services Authority

El Paso County District Court Case No. 23CV30143

CLAIM: Plaintiff claims wrongful death as a result of negligence.

STATUS: January 27, 2023 City served summons and complaint. February 16, 2023 Plaintiff files amended complaint. March 2, 2023 City files answer. March 10, 2023 Plaintiff files notice to set case management conference. March 28, 2023 Plaintiff files notice of case management conference. April 25, 2023 Plaintiff files proposed case management order. April 26, 2023 Court issues case management order. May 18, 2023 Plaintiff files notice of 4-day jury trial.

(Stewart)

PUBLIC WORKS

Sara Brown v. City of Colorado Springs

El Paso County District Court Case No. 23CV30470

CLAIM: Plaintiff alleges that she fell and sustained an injury due to falling into a manhole located on the sidewalk

STATUS: March 14, 2023 City served with summons and complaint. March 22, 2023 City files motion for extension of time. March 22, 2023 Court grants motion for extension of time. April 24, 2023 Plaintiff files amended complaint. May 8, 2023 City files motion to dismiss. **May 24, 2023 Plaintiff files motion for extension of time. May 24, 2023 Court grants motion for extension of time. June 9, 2023 Plaintiff files response to motion to dismiss. June 15, 2023 City files motion for extension of time. June 15, 2023 Court issues order granting motion for extension of time. June 30, 2023 City files reply to response to motion to dismiss. July 6, 2023 Court issues preliminary order regarding motion to dismiss. July 20, 2023 Parties file proposed pre-Trinity-hearing discovery plan. July 21, 2023 Court approves proposed pre-Trinity-hearing discovery plan. July 28, 2023 Plaintiff files notice of Trinity hearing. August 21, 2023 City files motion to withdraw motion to dismiss and vacate discovery plan and Trinity hearing. August 21, 2023 Court grants motion to withdraw motion to dismiss and vacate discovery plan and Trinity hearing.**

(Lamphere)

Douglas Bruce v. City of Colorado Springs, Pikes Peak Regional Building Department, Roger Lovell, El Paso County, and Mark Lowderman

United States District Court Case No. 21-cv-2427

Tenth Circuit Court of Appeals Case No. 22-1379

Tenth Circuit Court of Appeals Case No. 22-1413

CLAIM: Plaintiff alleges defendants' actions deprived him of his private property.

STATUS: October 20, 2021 City waives service of summons and complaint. November 29, 2021 Court issues amended order setting initial case deadlines. January 14, 2022 Defendants' file unopposed joint motion to stay discovery and case deadlines. January 17, 2022 Defendants file motion to dismiss. January 17, 2022 Court grants unopposed joint motion to stay discovery and case deadlines. February 4, 2022 Plaintiff files unopposed motion to extend deadline to file opposition to Defendants' motion to dismiss. February 4, 2022 Court grants unopposed motion to

extend deadline to file opposition to Defendants' motion to dismiss. March 16, 2022 Plaintiff files response to motion to dismiss. April 5, 2022 Defendants PPRBD and County files reply to motion to dismiss. April 6, 2022 City files reply to motion to dismiss. September 27, 2022 Court grants City's motion to dismiss and enters final judgment. October 28, 2022 Plaintiff files notice of appeal. October 28, 2022 Plaintiff files motion for extension of time to file appeal. November 2, 2022 Defendants file objection to Plaintiff's untimely notice of appeal. November 2, 2022 Court denies plaintiff's motion for extension of time to file appeal. November 16, 2022 Court Files Deficiency Notice. November 22, 2022 Plaintiff files Unopposed Motion to Dismiss Appeal. November 22, 2022 Plaintiff files Notice of Appeal. November 22, 2022 Court grants motion to dismiss case. November 22, 2022 mandate issued. November 23, 2022 Court docket appeal and assigns case number. December 7, 2022 Plaintiff files transcript order form. December 7, 2022 Court certifies record is complete. January 17, 2023 Plaintiff files opening brief. February 15, 2023 Defendants PPRBD, Lovell, City, County, Lowderman file answer brief. March 8, 2023 Plaintiff files reply brief.
(Lamphere)

Sandra Fledderjohan v. City of Colorado Springs

El Paso County District Court Case No. 23CV30265

CLAIM: Plaintiff claims she sustained injury when she tripped and fell on a heaving sidewalk.

STATUS: February 14, 2023 City served with summons and complaint. March 7, 2023 City files answer. March 8, 2023 Plaintiff files notice to set case management conference. March 22, 2023 Plaintiff files notice of case management conference. April 12, 2023 Plaintiff files proposed case management order. April 25, 2023 Court files notice of jury trial. May 8, 2023 City files designation of nonparty. May 12, 2023 Court issues case management order. **June 9, 2023 City files amended designation of nonparty. June 30, 2023 Plaintiff files unopposed motion to strike designation of non-party at fault. July 3, 2023 Court grants motion to strike designation of non-party at fault.**

(Turner)

Bonita T. Johnson v. City of Colorado Springs, Risk Management, Betsy Meyer, City of Colorado Springs "Sidewalk and Street Department" and Emily Branner

El Paso County District Court Case No. 22CV468

Colorado Court of Appeals Case No. 23CA564

CLAIM: Plaintiff alleges that she fell and sustained an injury due to snow not being removed in an alleyway and again in a separate incident on a sidewalk.

STATUS: December 14, 2022 City served with summons and complaint. January 4, 2023 City files motion to dismiss on behalf of Defendants City of Colorado Springs, Risk Management, Betsy Meyer, City of Colorado Springs "Sidewalk and Street Department". January 19, 2023 Plaintiff files motion to/for deny dismissal. January 23, 2023 City files reply in support of the motion to dismiss. February 6, 2023 Plaintiff files witness list. February 13, 2023 Court grants City's motion to dismiss. March 8, 2023 Plaintiff files motion to reopen case. March 28, 2023 Court denies Plaintiff's motion to reopen case. April 4, 2023 Plaintiff files notice of appeal. May 22, 2023 Court certifies record is complete. **August 22, 2023 Court of appeals issues order to show cause.**

(Stewart)

Leigh Ann Wolfe a/k/a Leigh Ann Thurston, an individual; Smiling Days, LLC, a Colorado limited liability company; Flying W, LLC, a Colorado limited liability company; and Overcome, LLC, a Colorado limited liability company v. City of Colorado Springs, a home rule city and Colorado municipal corporation

El Paso County District Court Case No. 21CV30930

Colorado Court of Appeals Case No. 22CA443

CLAIM: Plaintiff claims breach of contract for the construction of a water quality pond. Plaintiff claims the pond was not constructed according to contract.

STATUS: August 19, 2021 City waives service of summons and complaint. September 27, 2021 Plaintiff files verified motion for temporary restraining order. September 29, 2021 Court denies motion for temporary restraining order. October 1, 2021 City files motion to dismiss. October 8, 2021 Plaintiff files response to motion to dismiss. October 13, 2021 City files unopposed motion for enlargement of time to file responsive pleadings. October 14, 2021 Court grants City's unopposed motion for enlargement of time to file responsive pleadings. October 15, 2021 Plaintiff files supplement to verified motion for temporary restraining order. October 22, 2021 City files reply to motion to dismiss. October 22, 2021 City files reply brief in opposition to verified motion for temporary restraining order. February 3, 2022 Court issues order granting in part and denying in part City's motion to dismiss. February 17, 2022 City files motion to reconsider Court's order. February 22, 2022 Plaintiff files response to motion to reconsider. February 23, 2022 City files reply to motion to reconsider. March 3, 2022 Court issues order denying City's motion to reconsider. March 17, 2022 City files notice of appeal. June 24, 2022 City files opening brief. July 29, 2022 Plaintiff files answer brief. August 19, 2022 City files reply brief. August 19, 2022 City files Request for Oral Argument. January 11, 2023 Court files notice of oral argument. March 21, 2023 oral arguments took place. April 6, 2023 Court issues opinion affirming order and remanding case. May 30, 2023 Court issues mandate. **June 21, 2023 City files answer. June 22, 2023 Plaintiff files notice to set case management conference. July 12, 2023 Plaintiff files notice of case management conference.**

(Doherty)

Bernard Sandoval v. Corey Kinzy, Colarelli Construction, Inc., A Higher Power Inc., The City of Colorado Springs/ Colorado Springs Utilities, and Allstate Fire and Casualty Insurance Company
El Paso County District Court Case No. 22CV31378

CLAIM: Plaintiff alleges that a traffic signal gave conflicting directions which resulted in a traffic accident.

STATUS: October 18, 2022 City served with summons and complaint. November 7, 2022 City files answer to complaint. November 28, 2022 Plaintiff files first amended complaint and jury demand. November 28, 2022 Plaintiff files motion for leave to execute service of defendant Corey Kinzy by publication. November 30, 2022 Court grants Plaintiff's motion for leave. December 5, 2022 Defendant A Higher Power files answer to first amended complaint and jury demand. December 6, 2022 Defendant Colarelli Construction files answer to Plaintiff's first amended complaint and jury demand. December 12, 2022 City files answer, affirmative defenses and jury demand to first amended complaint. March 14, 2023 Plaintiff files motion for entry of default judgment. March 29, 2023 Court grants motion for entry of default judgment. April 20, 2023 Plaintiff files notice of case management conference. April 27, 2023 Plaintiff files proposed case

management order. April 28, 2023 Court issues case management order. May 26, 2023 Plaintiff files notice of jury trial and pre-trial readiness.
(Lamphere)

REAL ESTATE SERVICES

City of Colorado Springs, Colorado v. Francisco Serna; Howard Jennings Walters, III; Lidia H. Walters; Thomas S. Mowle, El Paso County Public Trustee; Mark Lowderman, El Paso County Treasurer

El Paso County District Court Case No. 2017CV31927

Colorado Court of Appeals Case No. 2019CA856

Colorado Supreme Court Case No. 20SC791

Case remanded to United States District Court Case No. 21-cv-3444

CLAIM: City seeks condemnation of the Respondent's property for public purpose.

STATUS: August 7, 2017 City files Petition in Condemnation along with Motion for Immediate Possession and its accompanying Brief. September 8, 2017 Notice of Immediate Possession Hearing held October 20, 2017 at 1:30 p.m. Court grants motion for immediate possession. January 12, 2018 Petitioners file response to Courts order for a proposed case management order regarding how the case should proceed. February 9, 2018 Birddog, LLC files cross-petition to intervene and Serna files answer to petition in condemnation. February 27, 2018 Walters file answer to petition in condemnation. March 27, 2018 Court grants in part Birddog's cross-petition to intervene stating that Birddog has a right to intervene because it claims an interest, but Birddog does not have a right to participate in any proceedings prior to it intervening. April 5, 2018 Court appoints commissioners. April 19, 2018 the Voir Dire and first meeting of commissioners scheduled for July 13, 2018. April 25, 2018 Respondents file motion to withdraw and disburse funds on deposit. Petitioner files brief in partial opposition to motion to withdraw and disburse funds on deposit. July 18, 2018 Court files order regarding Commission and Case Management. July 30, 2018 Parties file joint statement on motion to withdraw and disburse funds on deposit and request Courts' determination. December 11, 2018 Petitioner files motion for summary judgment. January 4, 2019 Court grants Petitioner's motion for summary judgment; Respondent Serna files motion to dismiss Petitioner's motion for summary judgment. January 18, 2019 Respondent Serna files motion to compel a final written offer. January 24, 2019 Petitioner files briefs in opposition to respondent Serna's motion to dismiss Petitioner's motion for summary judgment and motion to compel. February 5, 2019 Court denies motion to dismiss petitioner's motion for summary judgment and issues judgment in City's favor; Court denies motion to compel a final written offer. February 6, 2019 Respondent files motion for reconsideration. March 25, 2019 Court denies motion for reconsideration. May 14, 2019 Francisco Serna files Notice of Appeal. May 17, 2019 Notice of Appeal filed by Ajhalei Snoddy. July 16, 2019 Court accepts pleadings and amends the caption to Petitioner-Appellee City of Colorado Springs v. Respondents-Appellants Francisco Serna and Ajhalei Snoddy. August 19, 2019 City files Answer Brief. August 20, 2020 Court issues opinion reversing judgment and remanding case. September 30, 2020 City files petition for writ of certiorari. March 29, 2021 Court denies petition for writ of certiorari. April 4, 2021 Court files Order re status conference. April 16, 2021 City files notice to set status conference. May 14, 2021 City files notice of status conference. August 2, 2021 City files amended notice of status conference. September 21, 2021 City files amended notice of status conference. October 6, 2021 City files third amended notice of status conference. October 15, 2021 Court issues order from status conference. October 27, 2021 Respondents file motion to dismiss the

action and notice of removal. November 5, 2021 City files response to respondents' motion to dismiss Petitioner's motion for summary judgment. November 15, 2021 City files motion for enlargement of time to respond to Respondents' motion to dismiss action. December 23, 2021 Defendant files notice of removal. January 4, 2022 Defendant files notice to court regarding transfer of case file. January 4, 2022 Defendant files motion for reconsideration. January 4, 2022 Defendant files motion for enlargement of time to respond to Petitioner's summary judgment motion. January 19, 2022 City files motion to remand. January 20, 2022 Defendant files motion for declaratory relief. January 21, 2022 Defendant files response to motion to remand. January 24, 2022 Defendant files opposed motion to transfer venue. January 25, 2022 Defendant files errata response to motion to remand. January 25, 2022 City files response to Defendants rule 59(e) motion. January 25, 2022 City files response to motion for extension of time. January 26, 2022 City files motion to stay. January 26, 2021 Defendant files motion for extension of time to respond to City rule 59(e) motion. January 31, 2022 Defendant files reply to motion under rule 59(e) motion. February 4, 2022 City files reply to motion to remand. February 10, 2022 City files response to motion for declaratory relief. February 14, 2022 City files response to Defendants motion to transfer venue. February 15, 2022 Defendants file response to motion to stay proceedings pending a ruling on plaintiff's motion to remand. February 16, 2022 City files response to Defendants' motion for extension of time. February 16, 2022 City files reply in support of motion to stay proceedings pending a ruling on Plaintiff's motion to remand. February 28, 2022 Defendants file reply to motion to transfer venue. June 13, 2022 Federal court grants City's motion to remand. June 15, 2022 State court issues order upon remand. June 24, 2022 City files motion for attorney's fees and costs in federal court. July 15, 2022 Respondents file response to City's motion for attorney's fees and costs in federal court. July 22, 2022 City files reply in support of motion for attorney's fees and costs in federal court. July 27, 2022 City files notice of supplemental authority in state court. August 8, 2022 Respondents file response to City's motion for summary judgment and reply in support of motion to dismiss. August 24, 2022 City files reply in support of motion for summary judgment and response to motion to strike testimony from appraiser. September 24, 2022 Court denies Respondents' motion to dismiss, denies Respondents' motion to strike testimony from appraiser, and denies City's motion for summary judgment. October 14, 2022 Court sets trial for April 6-7, 2023. January 30, 2023 City files notice to set trial management conference. February 15, 2023 City files notice of trial management conference. February 28, 2023 City files motion in limine to exclude incompetent evidence of value. February 28, 2023 City files motion in limine to prohibit reference to the acquisition of a property interest other than fee simple. February 28, 2023 City files motion in limine to prohibit reference to the URA. March 17, 2023 City files notice re proposed trial management order. March 19, 2023 Court issues order re trial management order. March 23, 2023 City files proposed trial management order. March 23, 2023 Court grants motion in limine to prohibit reference to the URA. March 23, 2023 Court grants motion in limine to prohibit reference to the acquisition of a property interest other than fee simple. March 24, 2023 Respondents file Rule 97 motion for recusal of Judge Bentley. March 24, 2023 Court issues order denying motion for recusal. March 24, 2023 City files notice of filing excerpts from Leslie A. Fields, Colorado Eminent Domain Practice (2d ed. 2017). March 24, 2023 City files notice of trial. March 24, 2023 Court issues case management order. March 27, 2023 Court issues order re pretrial matters (expenses). March 30, 2023 City files proposed commissioner instructions. April 4, 2023 Court issues order re proposed commissioner instructions. April 6, 2023 Court issues commissioner instructions. April 6 and 7, 2023 trial to commissioners is conducted. April 7, 2023 Court files signed certificate of ascertainment and assessment and report with

exhibits. April 21, 2023 Respondents file motion under Colorado rule of civil procedure rule 59(a)(3). April 21, 2023 Respondents file motion for leave requesting the court accept 25 page filing for post trial relief. April 27, 2023 City files notice of deposit of funds. April 27, 2023 City files unopposed motion to approve commissioner compensation. April 27, 2023 Court grants unopposed motion to approve commissioner compensation. May 2, 2023 Respondents file notice to court: new information in support of requested finding indicates “violations of appraisal law occurred” and renewed motion to strike appraiser Wigington’s testimony from the record based on new information. May 11, 2023 City files motion for rule and order. May 11, 2023 City files motion for enlargement of time. May 12, 2023 Court grants motion for enlargement of time. **May 30, 2023 City files motion to withdraw motion for entry of rule and order. May 31, 2023 City files response to Respondents’ motion under Colorado rule of civil procedure 59(a)(3). May 31, 2023 City files response in opposition to Respondents’ renewed motion to strike appraiser Wigington’s testimony from the record. June 13, 2023 Respondents file reply in support of motion under Colorado rule of civil procedure 59(a)(3). June 13, 2023 Respondents file reply in support of renewed motion to strike appraiser Wigington’s testimony from the record. June 13, 2023 Respondents file motion for judgment notwithstanding the verdict under C.R.C.P. 59(a)(2) and for amendment of findings of the ascertainment of value under C.R.C.P. 59(a)(3). June 13, 2023 Respondents file motion for declaratory relief under C.R.C.P. 57. June 14, 2023 Court issues initial order on motion for judgment notwithstanding the verdict and for amendment of findings of the ascertainment of value. June 14, 2023 Court denies Respondents’ motion for declaratory relief under C.R.C.P. 57. June 14, 2023 Court denies Respondents’ renewed motion to strike appraiser Wigington’s testimony. June 14, 2023 Court denies Respondents’ motion under C.R.C.P. 59(a)(3). June 20, 2023 City files notice of deposit of funds. June 20, 2023 City files amended motion for entry of rule and order. June 29, 2023 Court grants motion to withdraw motion for entry of rule and order. July 3, 2023 Respondents file motion for extension of time. July 5, 2023 Court grants motion for extension of time. July 13, 2023 Respondents file notice of filing of transcript from April 6-7 valuation trial. August 3, 2023 City files response to motion for judgment notwithstanding the verdict under C.R.C.P. 59(a)(2) and for amendment of findings of the ascertainment of value under C.R.C.P. 59(a)(3). August 11, 2023 Respondents file reply in support of motion for judgment notwithstanding the verdict. August 11, 2023 Respondents file motion under Colorado rules to amend ascertainment of value. August 17, 2023 Court issues Order denying Respondents’ motion for judgment notwithstanding the verdict and for amendment of findings of ascertainment of value and motion under C.R.C.P. 59(a)(3) to amend ascertainment of value. August 17, 2023 Court issues rule and order. August 17, 2023 Court issues notice re final judgment.**
(Turner)

Francisco Serna and Ajhalei Snoddy v. City of Colorado Springs

United States District Court Case No. 23-cv-728

CLAIM: Plaintiffs claim violation of their Fourth, Fifth and Fourteenth Amendment rights and violation of the Uniform Relocation Act relating to an eminent domain action in 2017.

STATUS: March 27, 2023 City served with summons and complaint. April 4, 2023 Plaintiffs file request for preliminary relief under Rule 65. April 5, 2023 Court denies preliminary injunction. April 10, 2023 City files motion for extension of time. April 19, 2023 Court issues order setting scheduling conference. April 27, 2023 City files motion to dismiss. April 28, 2023 City files

motion to stay discovery and vacate scheduling conference. May 19, 2023 Plaintiffs file response to defendant's motion to stay. May 22, 2023 Plaintiffs file first amended complaint and request for injunction. May 23, 2023 City files reply in support of motion to stay discovery and to vacate scheduling order. May 23, 2023 Court issues order regarding motion to stay discovery and to vacate scheduling order. **June 2, 2023 City files motion for extension of time. June 2, 2023 City files notice of filing emails. June 5, 2023 status conference held. June 8, 2023 Court grants motion for extension of time. June 23, 2023 City files motion to stay discovery. June 23, 2023 City files proposed scheduling order. June 27, 2023 scheduling conference held. June 27, 2023 Court issues scheduling order. July 12, 2023 Plaintiffs file renewed objection under FRCP 72(a): district court lacks subject matter jurisdiction to issue a scheduling order entitling defendants to include affirmative defenses in rule 12(b) motion. July 17, 2023 Plaintiffs file response to motion to stay discovery. July 26, 2023 City files response to plaintiffs' renewed objection under FRCP 72(a) to the scheduling order. August 2, 2023 Plaintiffs file reply in support of renewed objection under FRCP 72(a). August 7, 2023 Court grants motion to stay discovery. August 8, 2023 City files motion to exceed word limitation. August 11, 2023 City files motion to dismiss amended complaint. August 12, 2023 Court grants motion to exceed word limitation. August 14, 2023 Plaintiffs file motion for leave to supplemental pleading under F.R.C.P. 15(d). August 16, 2023 Court schedules motion hearing. August 28, 2023 motion hearing held.**
(Turner)

UTILITIES

Myers & Sons Construction, L.P. v. City of Colorado Springs and Colorado Springs Utilities
El Paso County District Court Case No. 20CV31791

CLAIM: Plaintiff alleges defendants breached the contract during the COVID pandemic.
STATUS: October 5, 2020 City received summons and complaint. October 8, 2020 Defendants file waiver and acceptance of service. October 26, 2020 Defendants file unopposed motion for extension of time to file responsive pleading. October 27, 2020 Court grants motion for extension of time. November 9, 2020 Defendants file motion to dismiss. November 30, 2020 Plaintiff files response to motion to dismiss. December 7, 2020 Defendants file reply to motion to dismiss. December 29, 2020 Court denies motion to dismiss. January 12, 2021 City files answer. February 25, 2021 parties file notice of status conference. March 10, 2021 Plaintiff files proposed stipulated protective order. March 10, 2021 City files motion to approve stipulated protection order. March 12, 2021 Court grants stipulated protective order and motion to approve stipulated protection order. March 22, 2021 Plaintiff files motion for approval of pro hac vice admission. March 29, 2021 Court grants motion for approval of pro hac vice admission. March 30, 2021 Plaintiff files motion to consolidate actions. April 9, 2021 Plaintiff files motion to compel disclosure of EADOC project management system. April 27, 2021 City files motion for leave to file amended answer and counterclaim. April 28, 2021 Court grants motion for leave to file amended answer and counter claim. April 30, 2021 Court grants with amendments motion to consolidate actions. April 30, 2021 City files response to motion to compel disclosure of EADOC project management system. May 7, 2021 Plaintiff files answer and affirmative defenses. May 7, 2021 Defendant Travelers insurance files answer. May 7, 2021 Plaintiff files reply to motion to compel. May 18, 2021 Plaintiffs response to defendant's motion for leave to file amended answer. May 19, 2021 Court denies motion to compel disclosure of EADOC project management system.

May 25, 2021 Defendants file reply to Plaintiff's response in opposition to motion for leave to file amended answer and counterclaims. June 11, 2021 Plaintiff files motion to approve stipulation to protective order and ESI and paper document production protocol. June 14, 2021 Court grants motion to approve stipulation to protective order and ESI and paper document production protocol. July 29, 2021 Plaintiff files notice of trial setting, status conference and trial readiness conference. August 13, 2021 Plaintiff files motion to compel. August 16, 2021 Court denies Plaintiff's motion to compel. September 3, 2021 City files response to motion to compel. September 8, 2021 City files request to rule on April 27, 2021 motion for leave to file amended answer and counter claim. September 9, 2021 Court grants City's motion for leave to file amended answer and counter claim. September 9, 2021 Plaintiff files reply to motion to compel. September 13, 2021 Plaintiff files notice of settlement and dismissal without prejudice of Weifield Group Contracting, Inc. September 13, 2021 Court grants Plaintiff's notice of settlement and dismissal without prejudice of Weifield Group Contracting, Inc. September 22, 2021 Plaintiff files motion for enlargement of time to file response to City's counterclaims. September 23, 2021 Court grants Plaintiff's motion for enlargement of time to file response to City's counterclaims. September 24, 2021 Court denies Plaintiff's motion to compel. October 7, 2021 Plaintiff files answer to counterclaim. November 1, 2021 City files motion for enlargement of time for response to request for production of documents. November 2, 2021 Court grants City's motion for enlargement of time for response to request for production of documents. January 21, 2022 Defendants file unopposed motion for extension of time for response to second discovery requests. January 21, 2022 Court grants unopposed motion for extension of time for response to second discovery requests. March 9, 2022 Plaintiff files motion for out of state counsel. March 10, 2022 Court grants motion for out of state counsel. January 3, 2023 Plaintiff files motion for protective order. January 9, 2023 Defendant Travelers files motion for protective order. January 10, 2023 Plaintiff files notice regarding motions schedule and pretrial readiness conference. January 24, 2023 City files response to motion for protective order. January 31, 2023 Plaintiff files reply in support of motion for protective order. February 1, 2023 City files motion to exceed page limits. February 1, 2023 City files motion for summary judgment and motion for determination of question of law. February 1, 2023 Court grants motion to exceed page limits. March 3, 2023 Court denies Plaintiff's motion for protective order. March 3, 2023 Court denies Travelers motion for protective order. April 6, 2023 Court denies City's motion for summary judgment and motion for determination of question of law. April 6, 2023 Court denies Plaintiff and Counterclaim Defendant's motion for partial summary judgment. May 16, 2023 City files motion to join necessary party. May 24, City files motion to continue trial date. **June 6, 2023 MWH Constructors, LLC files notice of opposition to defendants' motion to join necessary parties. June 6, 2023 Beers Construction files response and notice of non-opposition to motion to join necessary party. June 6, 2023 Plaintiff files response in opposition to defendant's motion to join necessary party. June 13, 2023 City files reply in support of motion to join necessary party. June 14, 2023 Plaintiff files opposition to motion to continue trial date. June 14, 2023 Beers Construction files non-opposition to motion to continue trial date. June 16, 2023 Plaintiff files request for oral argument on pending motions. June 20, 2023 City files reply in support of motion to continue trial date. June 22, 2023 Plaintiff files notice regarding settlement related to City's pending motion to join necessary party. June 23, 2023 City files motion for protective order. June 29, 2023 Plaintiff files notice regarding MWH's release of verified statement of claim related to City's pending motion to join necessary party. June 30, 2023 Court grants motion to continue trial date. June 30, 2023 Court denies motion to join necessary party. July 13, 2023 Plaintiff files motion**

for modification and/or reconsideration of June 30, 2023 order to continue trial date. July 13, 2023 Plaintiff files notice of trial setting conference. July 14, 2023 Court denies motion for modification and/or reconsideration of June 30, 2023 order to continue trial date. July 14, 2023 Plaintiff files opposition to motion for protective order. July 20, 2023 City files motion for extension of time. July 20, 2023 Court grants motion for extension of time. July 28, 2023 City files reply in support of motion for protective order. July 28, 2023 Court denies motion for protective order.

(Sherman & Howard)(OC)

Ricardo Ocasio and Catherine Ocasio v. Colorado Springs Utilities, City of Colorado Springs, Island Construction Services LLC, Jesse Sowanick, Elevation Homes, LLC and Tim Toussaint

El Paso County District Court Case No. 23CV30272

CLAIM: Plaintiffs allege Colorado Springs Utilities was negligent in maintaining a water main line in front of Plaintiffs' property.

STATUS: February 16, 2023 City served summons and complaint. March 3, 2023 Island Construction Services files answer. March 9, 2023 City files answer. March 13, 2023 Sowanick files answer. March 14, 2023 Elevation Homes and Toussaint file answer. March 28, 2023 Plaintiff files notice to set case management conference. April 10, 2023 Plaintiff files notice of case management conference. May 28, 2023 Court issues case management order.

(Doherty)

ADMINISTRATIVE SECTION

DISPOSED MATTERS

NEW MATTERS

EMPLOYEE V. CITY OF COLORADO SPRINGS, Charge Number EEOC 5141-2023-02773
May 30, 2023, Claimant brings charge of alleged gender discrimination and retaliation under Title VII of the Civil Rights Act. Response to Charge due August 30, 2023.

CURRENT MATTERS

EMPLOYEE V. CITY OF COLORADO SPRINGS, Charge Number CCRD E2300018104
January 30, 2023, Claimant brings charge of alleged race, gender, and sexual orientation discrimination and retaliation under Title VII of the Civil Rights Act. Response to Charge filed March 1, 2023. Pending Decision.
(McCall)

EMPLOYEE V. CITY OF COLORADO SPRINGS, Charge Number EEOC 541-2021-00684
January 8, 2020, Claimant brings charge of alleged retaliation under the Americans with Disabilities Act (ADA) and gender and retaliation discrimination under Title VII of the Civil Rights Act. Response to Charge is due February 26, 2021. City extension request granted February 19, 2021. Response to Charge due March 26, 2021. Response to Charge filed March 19, 2021. Pending Decision.
(McCall)

EMPLOYEE V. CITY OF COLORADO SPRINGS, Charge Number CCRD E2200013269 /
EEOC 32A-2022-00123
December 7, 2021, Claimant brings charge of alleged disability discrimination and retaliation under the Americans with Disabilities Act (ADA) and race, gender, and sexual orientation discrimination and retaliation under Title VII of the Civil Rights Act. Response to Charge and Request for Information was submitted on January 18, 2022. August 31, 2022 CCRD dismissal received, and EEOC dismissal and right to sue issued October 18, 2022. January 30, 2023, Claimant brings new charge of alleged disability discrimination and retaliation under the Americans with Disabilities Act (ADA) and race, gender, and sexual orientation discrimination and retaliation under Title VII of the Civil Rights Act. Response to Charge and Request for Information filed March 1, 2023. Pending Decision.
(McCall)

EMPLOYEE V. CITY OF COLORADO SPRINGS, Charge Number EEOC 541-2022-02245
April 15, 2022, Claimant brings charge of alleged employment discrimination under Title VII of the Civil Rights Act. Response to Charge is due May 31, 2022. Response to Charge is due May 31, 2022. Response to charge was filed May 31, 2022. Pending Decision.
(McCall)

EMPLOYEE V. CITY OF COLORADO SPRINGS, Charge Number EEOC 32A-2022-00307
April 7, 2022, Claimant brings charge of alleged gender discrimination and retaliation under Title VII of the Civil Rights Act. Response to Charge was submitted July 27, 2022. Pending Decision.
(McCall)

EMPLOYEE V. CITY OF COLORADO SPRINGS, Charge Number EEOC 541-2022-03933
April 27, 2023, Claimant brings charge of alleged disability discrimination and retaliation under the Americans with Disabilities Act (ADA) and gender discrimination and retaliation under Title VII of the Civil Rights Act. Response to Charge and Request for Information filed June 1, 2023.
Pending Decision.
(McCall)

UTILITIES: Water Court Cases

Total Active Application Cases: **6 (4 Diligence Cases)**

Application Cases before Water Referee: **4**

<u>Number</u>	<u>Case Name</u>
15CW3019	Blue River (Diligence)
18CW3041	Homestake / Blue River (Diligence)
20CW3024	Homestake Conditional Rights (Diligence)
23CW3087	Homestake Partners (Diligence)

Application Cases before Water Judge: **1**

21CW3015 LAWMA Share Exchange

Case on Appeal **1**

22SA317 Green Mountain Reservoir

Total Objector Cases: **25**

Stipulated: **8**

Active: **17**

Active before Water Referee: **11**

Active before Water Judge: **6**

<u>Number</u>	<u>Case Name</u>
19CW3036	Lower Arkansas Water Management Association
21CW3044	Triview Metropolitan District
21CW3058	Triview Metropolitan District
21CW3072	Catlin Augmentation Association
21CW3082	Triview Metropolitan District, et al.
22CW3004	Triview Metropolitan District

WORKERS COMPENSATION MATTERS OUTSIDE COUNSEL

Active cases:

Municipal – 69
 Utilities – 12
 Memorial - 0

Subrogation cases handled by outside counsel:

Municipal – 0
 Utilities – 0 (CSU – T. Martinez settled in full)

Subrogation cases handled by City Attorney’s Office:

Municipal – 0
 Utilities – 0

CRIMINAL PROSECUTIONS SECTION

(MUNICIPAL COURT)

	MAY	JUNE	JULY
Cases Docketed for Trial by Court	49	34	35
Cases tried	16	15	12
Cases handled without trial	33	19	23
Cases Docketed for Trial by Jury	23	17	18
Cases tried	0	1	1
Cases handled without trial	23	16	17
Cases Docketed and Prepped for Pretrial	909	784	769
Traffic Cases Docketed for Instant Pre-Trial Conference	1434	879	987
Remote Dispositions	68	49	50
Email Dispositions	53	34	38
Attorney Remote Dispositions	15	15	12
Jail Docket	750	927	897
Administrative Hearings	0	0	0
Cases Referred to Outreach Court for Services	50	41	60
Discovery Requests Processed	244	204	219
Appellate Cases Pending	1	2	3
TOTAL MATTERS:	3528	2937	3038