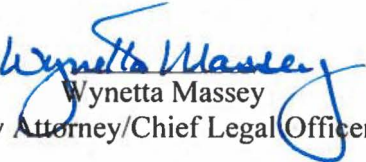


**QUARTERLY REPORT  
TO CITY COUNCIL**

**Relating to:  
LITIGATION AND ADMINISTRATIVE MATTERS**

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**February 2024**  
(Covering All Activity through February 29, 2024)

  
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

### 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. November 17, 2023 Court issues recommendation of magistrate judge to grant motion to dismiss and dismiss action with prejudice.

**December 4, 2023 Court issues order granting motion to dismiss. December 4, 2023 Court issues final judgment.**

(McKinney)

### 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. September 1, 2023 Plaintiff files response to show cause. September 11, 2023 Court issues order. October 5, 2023 Plaintiff files amended opening brief. October 27, 2023 Court issues order dismissing appeal. **December 18, 2023 Court of Appeals issues mandate.**

(Stewart)

### Johnson Storage and Moving Co. Holdings, LLC v. The City of Colorado Springs, Colorado Springs Utilities, Colorado Springs Fire Department

El Paso County Court Case No. 23C45331

CLAIM: Plaintiff alleges water damage to its property due to a malfunctioning fire hydrant.

STATUS: December 5, 2023 City served with summons and complaint. December 21, 2023 City files motion for extension of time. December 21, 2023 Court grants motion for extension of time. January 16, 2024 City files motion to dismiss. February 2, 2024 Plaintiff files stipulation of dismissal. February 9, 2024 Court grants stipulation of dismissal. February 9, 2024 Court issues order finding motion to dismiss moot in light of stipulation of dismissal.  
(O'Boyle)

Esther Phelan v. The City of Colorado Springs and The Colorado Springs Airport  
El Paso County District Court Case No. 23CV32030

CLAIM: Plaintiff alleges injury after slipping and falling on ice at the airport.  
STATUS: November 8, 2023 City served with summons and complaint. November 22, 2023 City files motion for extension of time. November 27, 2023 Court grants motion for extension of time. **December 5, 2023 City files motion for extension of time. December 6, 2023 Court grants motion for extension of time. December 12, 2023 City files motion to dismiss. December 22, 2023 Plaintiff files notice of voluntary dismissal without prejudice.**  
(Harris, Karstaedt, Jamison & Powers, P.C.) (IC)

## NEW CASES

City of Colorado Springs v. Stephen Anderson and Chuck Broerman  
El Paso County District Court Case No. 23CV32400

CLAIM: City seeks permanent public improvement easements on Respondent's property for public purpose.  
STATUS: December 18, 2023 City files petition in condemnation. December 20, 2023 City files motion for immediate possession. December 20, 2023 City files notice of lis pendens. January 10, 2024 City files notice of immediate possession hearing. January 19, 2024 Broerman files disclaimer. February 1, 2024 Anderson files answer. February 5, 2024 City files motion to vacate immediate possession hearing. February 5, 2024 Court issues order vacating immediate possession hearing.  
(Turner)

City of Colorado Springs v. Burrell Aviation Colorado Springs, LLC  
El Paso County District Court Case No. 24CV30262

CLAIM: City claims breach of a contract entered into with Colorado Springs Airport.  
STATUS: February 9, 2024 City files complaint. February 15, 2024 Defendant served with summons and complaint.  
(Stewart)

Jack Cole v. Unknown Colorado Springs Police Detective  
United States District Court Case No. 23-cv-3082

CLAIM: Plaintiff claims wrongful incarceration and prosecution.  
STATUS: January 12, 2024 City served summons and complaint. January 22, 2024 Plaintiff files declaration. January 26, 2024 Court issues order vacating order granting relief to proceed pursuant to 28 U.S.C. § 1915 and directing Plaintiff to pay the filing fee. January 30, 2024 City files motion for extension of time. February 1, 2024 Court grants motion for extension of time.

February 5, 2024 Plaintiff files motion for leave to file an amended motion to waive fee. February 6, 2024 Plaintiff files pro se motion for an extension of time to cure the Court's order to vacate the granting of 28 U.S.C. § 1915. February 9, 2024 Plaintiff files response to motion for extension of time to file responsive pleading. February 9, 2024 Plaintiff files motion for the court to provide a certificate of appealability. February 15, 2024 Plaintiff files motion for judicial intervention for constitutional violation. February 16, 2024 Court grants joinder in unopposed motion to consolidate. February 16, 2024 Court schedules status conference. February 21, 2024 status conference held. February 22, 2024 Court issues order directing Plaintiff to pay filing fee.  
(Lamphere)

Estate of Kevin Dizmang v. Sean Reed and Nick Fisher

United States District Court Case No. 24-cv-423

CLAIM: Plaintiff claims excessive force resulting in death.

STATUS: February 15, 2024 City served with summons for Reed.

Flying W, LLC v. City of Colorado Springs

El Paso County District Court Case No. 23CV32349

CLAIM: Plaintiff brings a complaint under C.R.C.P. 106 for judicial review of City Council's approval of the modification of the development plan regarding a new water tank and injunction.

STATUS: December 13, 2023 City waives service of the summons and complaint. January 16, 2024 City files answer. January 16, 2024 City files certified record of proceedings. January 17, 2024 Plaintiff files motion for preliminary injunction to maintain status quo pending resolution of C.R.C.P. 106(a)(4) action and request for hearing. February 7, 2024 City files response to motion for preliminary injunction. February 14, 2024 Plaintiff files reply in support of motion for preliminary injunction and request for hearing. February 14, 2024 Plaintiff files joinder in unopposed motion to consolidate. February 16, 2024 Court grants motion to consolidate. February 16, 2024 Court issues order directing a hearing to be scheduled on the motion for preliminary injunction. February 19, 2024 Plaintiff files notice to set preliminary injunction hearing.

(Turner)

Troy Dion Melons v. Diana K. May, Eric Bentley, Jessica Curtis, Michael Allen, Benjamin Lunak, Brien Cecie, Chris Chino, Cierra Estrada, Damon Cassens, James T. Cook, Katherine Spicer, Megan McConnell, Michael Root, Ruthie Pacheco, William E. Cook, William Elder

El Paso County District Court Case No. 23CV428

CLAIM: Plaintiff alleges violation of his civil rights and due process.

STATUS: December 19, 2023 City served with summons and complaint. January 9, 2024 City files motion to dismiss. January 9, 2024 Bentley, Curtis, May and Estrada file motion to dismiss. January 9, 2024 ADC Defendants file motion for extension of time. January 10, 2024 El Paso County Defendants file motion for extension of time. January 11, 2024 Court issues order of disqualification of Fourth Judicial District bench. January 16, 2024 Court appoints senior judge. January 22, 2024 Plaintiff files amended complaint. January 22, 2024 Court grants motions for extension of time. January 23, 2024 Cook and Cassens file motion to dismiss. January 24, 2024 El Paso County Defendants file motion to dismiss. January 25, 2024 Plaintiff files motion for extension of time. January 29, 2024 Court grants motion for extension of time. February 5, 2024 Bentley, Curtis, May and Estrada file motion to dismiss amended complaint. February 7, 2024

Plaintiff files amended complaint. February 21, 2024 El Paso County Defendants file motion to dismiss amended complaint.  
(Lamphere)

Tyrone Moss v. Allen Simmons and Peter Mandry

El Paso County District Court Case No. 23CV32168

CLAIM: Plaintiff claims unreasonable seizure and malicious prosecution.

STATUS: January 3, 2024 City served summons and complaint. January 22, 2024 City files motion for extension of time. January 23, 2024 Court grants motion for extension of time.

(Stewart)

Keith Mudon v. The State of Colorado, The City of Colorado Springs, Colorado Springs Police Department, Colorado Springs Municipal Court

El Paso County District Court Case No. 24CV46

CLAIM: Plaintiff claims harassment and kidnapping.

STATUS: January 26, 2024 City receives summons and complaint. February 16, 2024 City files motion to dismiss.

(O'Boyle)

Preslee Rodriguez, Zain Aguilera-Valdez, Dezaivyon Carter, D'Vontai Carter, Candace Sgaggio, and Delbert Elmer Sgaggio, Jr. v. Kristopher Simmons, Erwin Rin, Jan Karlo Cruz Lopez, Arthur Maples, Alexis Palmer, FMC Security, LLC, The New Havana LLC, 2165 Academy Pl., LLC, Lt. Sokalik, Frederick Sunderlin, Matthew Waters, Kyle Vanderlin, Scott Alamo, Clifton Sunada, John Granillo, Wayne Lambert, Robert Wolf

El Paso County District Court Case No. 23CV451

CLAIM: Plaintiffs claim negligence, deprivation of rights and destruction of property relating to an incident at a nightclub.

STATUS: January 10, 2024 City served summons and complaint. January 30, 2024 City files motion for extension of time. January 31, 2024 Court grants motion for extension of time. January 31, 2024 2165 Academy Pl, LLC files motion to dismiss. February 16, 2024 Plaintiffs file motion for extension of time. February 21, 2024 Court issues delay prevention order. February 23, 2024 Court grants motion for extension of time.

(O'Boyle)

Lawrence E. Starr v. City of Colorado Springs City Council and Colorado Springs Utilities

El Paso County District Court Case No. 23CV32362

CLAIM: Plaintiff brings a complaint under C.R.C.P. 106 for judicial review of City Council's approval of the modification of the development plan regarding a new water tank.

STATUS: January 10, 2024 City waives service of summons and complaint. January 31, 2024 City files answer. February 9, 2024 City files certified record of proceedings. February 9, 2024 Plaintiff files unopposed motion to consolidate. February 12, 2024 Court issues order on motion to consolidate.

(Turner)

## 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. October 11, 2023 Court issues order rescheduling final pretrial conference. **December 14, 2023 Parties file proposed final pretrial order. December 21, 2023 final pretrial conference held. December 21, 2023 Court issues order setting trial and trial preparation conference. December 21, 2023 Court issues final pretrial order.**

(Lamphere/Lessig)

### COUNCIL

Timothy C. Hoiles v. City of Colorado Springs and Creekwalk North LLC

El Paso County District Court Case No. 23CV31596

CLAIM: Plaintiff brings a complaint under C.R.C.P. 106 for judicial review of City Council's approval of an application to construct an apartment building.

STATUS: September 5, 2023 City served summons and complaint. September 7, 2023 Court grants Creekwalk North LLC's motion to intervene. September 20, 2023 Creekwalk North LLC files answer. September 26, 2023 City files answer. October 10, 2023 City files certified record of proceedings. November 14, 2023 Court issues delay prevention order. November 21, 2023

Plaintiff files motion to vacate order requiring case management conference and files opening brief. November 22, 2023 Court grants motion to vacate. **December 11, 2023 Defendants file joint motion for extension of time. December 11, 2023 Court grants joint motion for extension of time. January 16, 2024 Creekwalk North files motion to exceed page limitations. January 16, 2024 Court grants motion to exceed page limitations. January 16, 2024 Creekwalk North files response in opposition to Plaintiff's Rule 106 claim. January 16, 2024 City files answer brief. January 17, 2024 Plaintiff files motion for extension of time. January 17, 2024 Court grants motion for extension of time. February 6, 2024 Plaintiff files reply to answer brief of intervenor Creekwalk North, LLC. February 21, 2024 Court denies Plaintiff's petition for judicial review.**

(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. August 28, 2023 Court issues order regarding motion to stay. September 4, 2023 Plaintiff files notice regarding continued opposition to City Defendant's request to stay discovery and proposed response date. September 6, 2023 Court issues order for response deadline. September 22, 2023 Plaintiff files response to motion to stay discovery. October 6, 2023 City files reply in support of the City Defendants' motion to stay pending a ruling on their second motion to dismiss. October 23, 2023 Plaintiff files response to second motion to dismiss. November 6, 2023 City files reply in support of motion to dismiss the second amended complaint. November 8, 2023 City files motion for protective order, or in the alternative, request to set case status conference to address discovery pending ruling on motion to stay. November 9, 2023 Court issues order scheduling discovery hearing. November 14, 2023 Parties file joint position statement regarding City Defendants' motion for protective order. November 17, 2023 City files amended motion to stay pending a ruling on their motion to dismiss the second amended complaint. November 17, 2023 Court grants motion to stay. November 17, 2023 Court issues order addressing amended motion to stay. **November 29, 2023 Dix files joinder in City's amended motion to stay pending a ruling on their motion to dismiss the second amended complaint. December 1, 2023 Plaintiff files opposition to amended motion to stay discovery. December 1, 2023 Court grants motion to stay. January 12, 2024 Plaintiff files response to City's second motion to dismiss. February 7, 2024 Court grants City's motion to dismiss.**  
(Lamphere/Sparks Wilson)(OC)

Lianne Mercer, Jeremy Mercer, Karen Sublett, Barbara Snow, Ultreia Homes LLC d/b/a Courtyard at San Miguel and Yuma, Kevin Comesky, Marissa Comesky, William Snider, Ruth Snider, Sylvia Wulf, Tracy Schlotman, Sara Webb, Ethan Howard, Lauren Howard, Mack Mason, Abdillahi Jama Buni v. City of Colorado Springs, City Council

El Paso County District Court Case No. 23CV31684

CLAIM: Plaintiffs bring a complaint under C.R.C.P. 106 for judicial review of City Council's approval of an application to construct a new Kum N Go.

STATUS: September 7, 2023 City served summons and complaint. September 12, 2023 Plaintiff files unopposed motion for administrative record. September 15, 2023 Court issues order on the unopposed motion for administrative record. October 2, 2023 City files answer. October 3, 2023 Plaintiff files second unopposed motion for certification of administrative record. October 4, 2023 Court issues amended order to prepare record and transcript. October 25, 2023 City files statement of additional record designations pursuant to C.R.C.P. 106(a)(4)(IV). October 25, 2023 Court grants statement of additional record designations pursuant to C.R.C.P. 106(a)(4)(IV). October 31, 2023 City files motion to designate two additional ordinances to the record. November 1, 2023 Court grants motion to designate two additional ordinances to the record. November 1, 2023 City files certified record of proceedings. November 1, 2023 Court issues order regarding briefing schedule. **November 22, 2023 Plaintiff files opening brief. December 12, 2023 City files motion to correct the record. December 12, 2023 Court issues order granting motion to correct the record. December 13, 2023 City files answer brief. December 21, 2023 Plaintiff files reply brief. January 16, 2024 Plaintiff files motion for an amended complaint. January 30, 2024 Court issues order dismissing Rule 106(a)(4) petition with prejudice. January 30, 2024 Court issues order finding motion for an amended complaint as moot.**

(Stewart)

Northside Neighbors Association and Michael Kuhn v. Notes Live, Inc., Notes Live Real Estate and Development LLC and City of Colorado Springs

El Paso County District Court Case No. 23CV31839

Court of Appeals Case No. 24CA72

CLAIM: Plaintiffs bring a complaint for declaratory and injunctive relief regarding the Sunset Amphitheatre project.

STATUS: September 27, 2023 City waives service of the summons and complaint. October 6, 2023 Plaintiffs file motion for interim declaratory relief and preliminary injunction. October 6, 2023 Plaintiffs file motion for prompt hearing on preliminary injunction. October 9, 2023 Notes Live files response to motion for prompt hearing on preliminary injunction motion. October 9, 2023 Plaintiff files reply in support of motion for prompt hearing on preliminary injunction. October 10, 2023 Notes Live files motion to dismiss. October 17, 2023 City files motion to dismiss. October 18, 2023 Plaintiffs file partially unopposed motion for leave to file consolidated response to motions to dismiss and for prompt consolidated hearing. October 23, 2023 Court grants partially unopposed motion for leave to file consolidated response to motions to dismiss and for prompt consolidated hearing. October 23, 2023 Plaintiffs file notice to set consolidated motions hearing. October 24, 2023 Notes Live files motion to defer preliminary injunction hearing pending determination of motions to dismiss. October 26, 2023 Notes Live files motion for extension of time. October 26, 2023 City files motion for extension of time. October 27, 2023 Court grants Notes Live's motion for extension of time. October 27, 2023 Court grants City's motion for extension of time. October 27, 2023 City files motion for reconsideration of order granting Plaintiffs' motion for prompt consolidated hearing. November 1, 2023 Court issues order partially granting motion for reconsideration of order granting Plaintiffs' motion for prompt consolidated hearing. November 3, 2023 Notes Live files response to motion for interim declaratory relief and preliminary injunction. November 3, 2023 Notes Live files joinder in City's response to motion for interim declaratory relief and preliminary injunction. November 7, 2023 Plaintiffs file consolidated response in opposition to motions to dismiss. November 9, 2023 City files motion for extension of time. November 9, 2023 Plaintiffs file consolidated reply in support of motion for interim declaratory relief and preliminary injunction. November 14, 2023 Notes Live files reply in support of motion to dismiss. November 14, 2023 Court grants motion for extension of time. November 15, 2023 Notes Live files notice of stipulation to dispense with hearing on pending motions. November 15, 2023 Notes Live files withdrawal of notice of stipulation to dispense with hearing. November 21, 2023 Plaintiffs file notice of hearing. November 22, 2023 City files second motion for extension of time. November 24, 2023 Plaintiff files response to second motion for extension of time. November 24, 2023 Plaintiffs file motion to expedite ruling on pending motions. November 27, 2023 City files reply in support of second motion for extension of time. **December 19, 2023 City files reply in support of motion to dismiss. January 8, 2024 motions hearing held. January 10, 2024 Court grants City's motion to dismiss. January 10, 2024 Court grants Notes Live's motion to dismiss. January 12, 2024 Plaintiffs file notice of appeal. January 19, 2024 Plaintiffs file motion to expedite appeal. January 26, 2024 City files response to motion to expedite appeal. January 26, 2024 Notes Live files joinder in response to motion to expedite appeal. January 25, 2024 Notes Live files bill of costs. January 25, 2024 Notes Live files motion for attorney fees. January 29, 2024 Court denies motion to expedite appeal. February 15, 2024 Plaintiffs file response in opposition to Notes Live's motion for attorney fees.**

(Vandenberg/Turner)

Michael Wemple, Westside Watch and Integrity Matters v. City of Colorado Springs  
El Paso County District Court Case No. 23CV31679

CLAIM: Plaintiffs bring a complaint under C.R.C.P. 106 for judicial review of the City Council's approval of an application to construct the Launchpad Apartments

STATUS: September 14, 2023 City served with summons and complaint. October 5, 2023 City files answer. October 16, 2023 Court issues order to certify record. November 20, 2023 City files certified record of proceedings. **December 11, 2023 Plaintiff files motion for extension of time. December 11, 2023 Court grants motion for extension of time. January 9, 2024 Plaintiff files opening brief. February 13, 2024 City files motion for extension of time. February 13, 2024 Court grants motion for extension of time.**

(O'Boyle)

#### POLICE

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. August 24, 2023 City waives service of the summons and complaint. September 13, 2023 Court holds pre-scheduling conference. October 11, 2023 City files motion to stay discovery. October 11, 2023 Summey and FBI file motion to stay discovery. October 13, 2023 Court issues order scheduling motion hearing. October 24, 2023 Plaintiffs file motion requesting leave to file response to defendants' motion to stay in excess of 10 pages. October 25, 2023 Court grants motion requesting leave to file response to defendants' motion to stay in excess of 10 pages. October 25, 2023 Plaintiffs file combined response to defendants' motions to stay discovery. November 3, 2023 City files reply in support of motion to stay discovery. November 3, 2023 United States files motion to substitute the United States for Daniel Summey as defendant to claim 4 pursuant to 28 U.S.C. § 2679(d)(1). November 3, 2023 Summey and FBI file reply in support of motion to stay discovery. November 10, 2023 Court issues order rescheduling motion hearing. November 14, 2023 Summey and FBI file unopposed motion for leave to file one consolidated motion to dismiss of up to 23 pages by the federal defendants. November 15, 2023 Court grants unopposed motion for leave to file one consolidated motion to dismiss of up to 23 pages by the federal defendants. November 17, 2023 Plaintiffs file motion for extension of time. November 17, 2023 Court grants motion for extension of time. November 20, 2023 Summey, FBI and United States file motion to dismiss. November 20, 2023 Ditzler files motion to dismiss and joinder in Summey/United States' motion to dismiss. November 20, 2023 Steckler and Otero file motion to dismiss. November 20, 2023 City files motion to dismiss. **November 29, 2023 Plaintiff files opposition to motion to substitute the United States for Daniel Summey as Defendant to Claim 4 pursuant to 28 U.S.C. § 2679(d)(1). December 13, 2023 United States files reply in support of motion to substitute the United States for Daniel Summey as Defendant to Claim 4 pursuant to 28 U.S.C. § 2679(d)(1). December 18, 2023 motion hearing held. December 18, 2023 Plaintiffs file response to Steckler and Otero's motion to dismiss. December 18, 2023 Plaintiffs file combined response in opposition to motion to dismiss by the Federal Defendants and Ditzler's motion to dismiss and joinder. December 18, 2023 Plaintiff files response in**

**opposition to The City of Colorado Springs' motion to dismiss. January 8, 2024 Federal Defendants file reply in support of motion to dismiss. January 9, 2024 City files reply in support of Steckler's and Otero's motion to dismiss. January 9, 2024 City files reply in support of City of Colorado Springs' motion to dismiss. January 9, 2024 City files Ditzler's reply in support of his motion to dismiss. January 16, 2024 Court issues order on motions to stay. January 16, 2024 Court schedules discovery dispute conference. January 24, 2024 Federal Defendants file objections to the Magistrate Judge's order denying a stay of discovery. January 24, 2024 Federal Defendants file motion to stay order. January 25, 2024 City files objections to the Magistrate Judge's order denying a stay of discovery. January 25, 2024 City files motion to stay order. January 25, 2024 Parties file joint motion for entry of protective order. January 26, 2024 Court grants joint motion for entry of protective order. January 26, 2024 Court issues protective order. January 26, 2024 discovery dispute conference held. January 30, 2024 Plaintiffs file combined response to Defendants' motions to stay order. February 1, 2024 Court issues order denying motion to stay order. February 2, 2024 Parties file proposed scheduling order. February 2, 2024 Federal Defendants file second motion to stay order. February 5, 2024 City files second motion to stay order and for expedited ruling. February 5, 2024 Court sets scheduling conference. February 7, 2024 Plaintiffs file combined response to Defendants' objections to the Magistrate Judge's order denying a stay of discovery. February 8, 2024 Court partially grants second motions to stay. February 12, 2024 Court issues order vacating scheduling conference.**  
(Turner)

Brett Blackwell v. David Brockman, Christina Beaty and Marcus Tubbs

El Paso County District Court Case No. 23CV31915

**CLAIM:** Plaintiff alleges excessive force and breach of duty to intervene.

**STATUS:** October 12, 2023 City served summons and complaint. October 30, 2023 City files motion for extension of time. October 31, 2023 Court grants motion for extension of time. **November 28, 2023 Defendants file joint motion for extension of time. November 29, 2023 Court grants joint motion for extension of time. December 18, 2023 Brockman files motion to dismiss. December 20, 2023 Beaty files motion to dismiss. December 20, 2023 Tubbs files motion to dismiss. January 8, 2024 Plaintiff files response to Brockman motion to dismiss. January 10, 2024 Brockman files motion for extension of time. January 10, 2024 Plaintiff files response to Beaty motion to dismiss. January 10, 2024 Plaintiff files response to Tubbs motion to dismiss. January 11, 2024 Beaty files motion for extension of time. January 11, 2024 Court grants Beaty motion for extension of time. January 11, 2024 Court grants Brockman motion for extension of time. January 12, 2024 Tubbs files motion for extension of time. January 14, 2024 Court grants Tubbs motion for extension of time. January 25, 2024 Brockman files reply in support of motion to dismiss. January 29, 2024 Beaty files reply in support of motion to dismiss. January 29, 2024 Court denies Brockman motion to dismiss. January 29, 2024 Tubbs files reply in support of motion to dismiss. February 2, 2024 Court issues delay prevention order. February 6, 2024 Court denies Beaty motion to dismiss. February 6, 2024 Court denies Tubbs motion to dismiss. February 12, 2024 Brockman files answer. February 20, 2024 Beaty files answer. February 20, 2024 Tubbs files answer.**

(Vaughan & DeMuro, SGR, LLC) (OC)

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. August 30, 2023 Plaintiff files response to Scott's motion to dismiss complaint and jury demand. August 30, 2023 Plaintiff files response to El Paso County's motion to dismiss. September 12, 2023 City files motion for extension of time. September 12, 2023 Court grants motion for extension of time. September 13, 2023 El Paso County files reply in support of motion to dismiss. September 27, 2023 City files reply to response to motion to dismiss. September 28, 2023 Plaintiff files stipulation and joint motion to dismiss Defendant Board of County Commissioners of the County of El Paso. October 5, 2023 Court grants stipulation and joint motion to dismiss Defendant Board of County Commissioners of the County of El Paso. **November 29, 2023 discovery conference held. December 14, 2023 Plaintiff files unopposed motion to amend the scheduling order. December 18, 2023 Court grants unopposed motion to amend scheduling order. December 19, 2023 City files motion for protective order from discovery. January 9, 2024 Plaintiff files response to motion for protective order. January 19, 2024 City files reply in support of motion for protective order from discovery. January 22, 2024 Court denies motion for protective order from discovery. February 12, 2024 Wellpath files motion to maintain confidentiality of documents. February 14, 2024 Court schedules motion hearing. February 15, 2024 Court issues order to file joint discovery dispute report.**

(Doherty)

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. **December 22, 2023 City files individual defendants' motion for summary judgment. December 22, 2023 City files motion for summary judgment. December 22, 2023 City files motion to exclude and limit testimony of expert. December 22, 2023 Plaintiff files motion to limit expert opinion testimony. December 22, 2023 Plaintiff files motion to exclude expert testimony. January 8, 2024 Parties file joint motion for extension of time. January 9, 2024 Court grants joint motion for extension of time. January 30, 2024 Plaintiff files motion for extension of time. January 31, 2024 Court grants motion for extension of time. February 2, 2024 City files response to motion to exclude expert testimony. February 2, 2024 City files response to motion to exclude expert testimony. February 2, 2024 Plaintiff files response to individual defendants' motion for summary judgment. February 2, 2024 Plaintiff files response to City's motion for summary judgment. February 13, 2024 City files motion for extension of time. February 14, 2024 Court grants motion for extension of time. February 15, 2024 Plaintiff files response to motion to exclude and limit testimony of expert. February 15, 2024 Plaintiff files reply in support of motion to exclude expert testimony. February 16, 2024 Plaintiff files reply in support of motion to exclude testimony.**  
(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. August 29, 2023 City files reply in support of motion for sanctions. September 18, 2023 City files opening brief. October 10, 2023 Court issues recommendation of United States Magistrate Judge to grant the motion for sanctions. October 17, 2023 Plaintiff files motion for extension of time. October 17, 2023 Tenth Circuit grants motion for extension of time. October 24, 2023 Plaintiff files objection to Magistrate Judge's recommendation of sanctions. October 31, 2023 Plaintiff files second motion for extension of time. October 31, 2023 Tenth Circuit grants second motion for extension of time. November 3, 2023 Plaintiff/Appellee files response brief. November 7, 2023 City files response in opposition to Plaintiff's objection to Magistrate Judge's recommendation of sanctions. November 27, 2023 City files reply brief. **January 4, 2024 Court issues order affirming in part and rejecting in part the recommendation of magistrate judge. January 10, 2024 Tenth Circuit schedules oral argument. January 18, 2024 City files application for attorney's fees and costs. January 30, 2024 Plaintiff files motion for extension of time. February 5, 2024 Court grants motion for extension of time. February 9, 2024 Plaintiff files second motion for extension of time. February 20, 2024 Court grants motion for extension of time.**

(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. October 18, 2023 Parties file joint motion for protective order for psychological testing data. October 19, 2023 Court grants joint motion for protective order for psychological testing data. November 6, 2023 Court issues order resetting final pretrial conference. **December 22, 2023 Court reschedules final pretrial conference.**  
(Lamphere/SGR, LLC/ Vaughan & DeMuro) (OC)

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. August 29, 2023 Court issues order denying motion for appointment of counsel. September 14, 2023 Plaintiff files motion to amend complaint. September 18, 2023 status conference held. October 10, 2023 Plaintiff files amended complaint. October 24, 2023 City files motion to dismiss second amended complaint. October 31, 2023 City files motion to stay discovery pending ruling on motion to dismiss. November 6, 2023 Court issues order granting motion to stay discovery pending ruling on motion to dismiss. **December 15, 2023 Court issues order to show cause. January 2, 2024 Plaintiff files motion to object to Defendants' motion to dismiss. January 12, 2024 City files reply in support of motion to dismiss.**

(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. **December 4, 2023 Court grants in part motion for reconsideration of order granting Defendants' partial motion to dismiss. December 18, 2023 City files amended answer and jury demand. February 5, 2024 Plaintiff files motion to vacate and reset trial and reset accompanying deadlines. February 6, 2024 Court grants motion to vacate and reset trial and reset accompanying deadlines.**

(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. September 1, 2023 City files reply brief. September 21, 2023 Court issues notice of oral argument. November 15, 2023 oral argument takes place. **December 11, 2023 Tenth Circuit issues order and judgment. December 21, 2023 Parties file joint status report. January 2, 2024 Tenth Circuit issues mandate. January 4, 2024 Court schedules final pretrial conference. February 7, 2024 Parties file proposed final pretrial order. February 14, 2024 final pretrial conference**

**held. February 14, 2024 Court issues final pretrial order. February 20, 2024 Court issues order setting jury trial.**  
(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. August 30, 2023 Court issues order rescheduling jury trial. **January 23, 2024 status conference held.**

(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. August 30, 2023 scheduling conference and motion hearing held. September 11, 2023 Plaintiff files response to motion to stay. September 25, 2023 Defendants file joint reply in support of motion to stay discovery and all further proceedings pending. September 28, 2023 Court grants motion to stay. **December 28, 2023 Court issues recommendation of Magistrate Judge. January 19, 2024 Plaintiff files response to Magistrate Judge's recommendation for dismissal. January 31, 2024 City files joint response to objection to Magistrate Judge recommendation.**

(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)

James Taggart v. Jason Otero

El Paso County District Court Case No. 23CV32090

CLAIM: Plaintiff alleges excessive use of force during an arrest.

STATUS: October 31, 2023 City served with summons and complaint. November 16, 2023 City files motion for extension of time. November 17, 2023 Court grants motion for extension. **December 28, 2023 City files motion for extension of time. December 28, 2023 Court grants motion for extension of time. January 25, 2024 City files motion to dismiss complaint. February 14, 2024 Plaintiff files response to motion to dismiss. February 20, 2024 City files motion for extension of time. February 21, 2024 Court grants motion for extension of time.**

(O'Boyle)

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. September 11, 2023 City files motion to dismiss. September 21, 2023 Scheduling conference held. September 21, 2023 Court issues scheduling order. September 25, 2023 Plaintiff files motion for extension of time. September 26, 2023 Court grants motion for extension of time. September 29, 2023 Officer Defendants file motion to dismiss. October 3, 2023 Court issues order scheduling final pretrial conference. October 10, 2023 Officer Defendants file motion to stay discovery pending ruling on defendants' motions to dismiss complaint. Defendants file joint designation of non-party at fault. October 12, 2023 Court issues order scheduling motion hearing. October 12, 2023 City files motion to join Officer Defendants' motion to stay discovery pending ruling on defendants' motions to dismiss complaint. October 13, 2023 Court grants motion to join. October 23, 2023 Parties file joint motion for entry of protective order concerning confidential information. October 23, 2023 Plaintiff files first amended complaint. October 24, 2023 Court grants motion for protective order. October 24, 2023 Court issues protective order. October 24, 2023 Court issues order finding motions to dismiss as moot. October 27, 2023 Plaintiff files motion for extension of time. October 28, 2023 Court grants motion for extension of time. November 1, 2023 Plaintiff files response to motion to stay discovery pending ruling on defendants' motions to dismiss complaint. November 6, 2023 Defendants file joint motion to dismiss or strike Plaintiff's first amended complaint for failure to comply with Rules 8 and 15. November 9, 2023 Court issues order rescheduling motion hearing. November 15, 2023 Defendants file joint reply in support of motion to stay discovery pending ruling on motions to dismiss complaint. November 17, 2023 Court issues order denying request for protective order and grants motion to strike first amended complaint. November 21, 2023 Court schedules motion hearing. **December 4, 2023 Plaintiff files first amended complaint and jury demand. December 4, 2023 Parties file joint motion to amend scheduling order. December 5, 2023 Court grants joint motion to amend scheduling order. December 5, 2023 motion hearing held. December 11, 2023 Officer Defendants file motion for leave to exceed the page limit. December 12, 2023 Court grants motion to exceed the page limit. December 18, 2023 City files motion to dismiss. December 18, 2023 Officer Defendants file motion to dismiss first amended complaint. December 21, 2023 Plaintiff files motion for extension of time. December 21, 2023 Court grants motion for extension of time. January 18, 2024 Plaintiff files motion for leave to exceed page limits and file an omnibus response to City Defendants' and Officer Defendants' motions to dismiss. January 19, 2024 Court grants motion for leave to exceed page limits and file an omnibus response to City Defendants' and Officer Defendants' motions to dismiss. January 22, 2024 Plaintiff files omnibus response in opposition to Defendants' motion to dismiss Plaintiff's first amended complaint. February 1, 2024 Officer Defendants file motion for leave to exceed the page limit of their reply in support of motion to dismiss. February 2, 2024 Court grants motion to file excess pages. February 5, 2024 City files reply in support of motion to dismiss. February 5, 2024 Officer Defendants file reply in support of motion to dismiss first amended complaint.**  
(Stewart/Vaughan & DeMuro) (CC)

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. **January 8, 2024 Plaintiff files preliminary endorsement of witnesses and exhibits. January 16, 2024 City files witness and exhibit list. January 22, 2024 Parties file motions in limine. January 25, 2024 Plaintiff files notice of pending settlement. January 25, 2024 Parties file proposed trial management order. January 26, 2024 pre-trial readiness conference held. January 25, 2024 Plaintiff files proposed trial management order.**  
(Stewart)

#### LIQUOR AND BEER LICENSING AUTHORITY

BKAA, LLC d/b/a Bluffs Wine and Liquor v. Liquor and Beer Licensing Authority for the City of Colorado Springs and Liquor Plus, Inc.

El Paso County District Court Case No. 23CV31750

CLAIM: Plaintiffs bring a complaint under C.R.C.P. 106 seeking reversal of a decision by the Liquor Authority granting a retail liquor store license

STATUS: September 14, 2023 City served with summons and complaint. September 20, 2023 Court issues order to certify record. October 3, 2023 City files answer. October 5, 2023 Liquor Plus files answer. **January 9, 2024 Court issues delay prevention order. January 22, 2024 City files certified record of proceedings.**  
(Thibert/Lucido)

#### 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. August 31,

2023 City files answer. August 31, 2023 Plaintiff files notice to set case management conference. September 18, 2023 Plaintiff files notice of case management conference. November 2, 2023 Court issues case management order. November 10, 2023 Plaintiff files notice of trial.  
(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. September 6, 2023 Court issues order. September 18, 2023 Plaintiff files supplemental brief. September 18, 2023 Defendants file supplemental brief.

(Lamphere)

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. October 30, 2023 Plaintiff files proposed case management order. September 22, 2023 Court issues case management order. October 9, 2023 Plaintiff files notice of pretrial readiness conference and four-day jury trial.  
(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

**Colorado Court of Appeals Case No. 24CA198**

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. **December 11, 2023 Colarelli files motion for summary judgment. December 11, 2023 A Higher Power files motion for summary judgment. December 20, 2023 Allstate files motion for dismissal of Defendant Allstate Property and Casualty Insurance Company only, with prejudice. December 20, 2023 Court grants motion for dismissal of Defendant Allstate Property and Casualty Insurance Company only, with prejudice. December 28, 2023 Plaintiff files response to Colarelli's motion for summary judgment. December 29, 2023 Plaintiff files response to A Higher Power's motion for summary judgment. January 8, 2024 A Higher Power files reply brief in support of its motion for summary judgment. January 9, 2024 City files motion to dismiss. January 11, 2024 Colarelli files reply in support of motion for summary judgment. January**

**12, 2024 Plaintiff files response to City’s motion to dismiss. January 19, 2024 City files reply to response to motion to dismiss. January 24, 2024 Court denies City’s motion to dismiss. January 26, 2024 Court denies Colarelli’s motion for summary judgment. January 26, 2024 Court denies A Higher Power’s motion for summary judgment. February 2, 2024 City files notice of appeal. February 12, 2024 Plaintiff files motion to vacate trial setting and pre-trial readiness conference. February 12, 2024 Court grants motion to vacate trial setting and pre-trial readiness conference. February 20, 2024 Plaintiff files notice of unsuccessful mediation and notice to reset pre-trial readiness conference and trial.**  
(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

Colorado Court of Appeals Case No. 23CA1710

Colorado Supreme Court Case No. 23SA239

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. September 18, 2023 Respondents file petition with the Colorado Supreme Court. September 18, 2023 Respondents file C.R.C.P. 121 motion for attorney fees. September 18, 2023

Respondents file motion under C.R.C.P. 121: (A) bill of costs; (B) request for ruling on timely motions under C.R.C.P. 59; (C) opportunity to brief subject matter jurisdiction for administrative conveyance of “rule and order” following final judgment; notice of C.R.C.P. 106 filing. October 9, 2023 City files response to “C.R.C.P. 121 motion for attorney fees”. October 4, 2023 Respondents file notice of appeal. October 5, 2023 Court of Appeals issues advisement of filing notice of appeal. October 9, 2023 City files response to “Defendants’ motion under C.R.C.P. 121: (A) bill of costs; (B) request for ruling on timely motions under C.R.C.P. 59; (C) opportunity to brief subject matter jurisdiction for administrative conveyance of “rule and order” following final judgment; notice of C.R.C.P. 106 filing.” October 13, 2023 Colorado Supreme Court denies Respondents’ petition. October 30, 2023 Court issues order denying Respondents’ “motion under C.R.C.P. 121”. October 30, 2023 Court issues order denying Respondents’ motion for attorney fees. **December 6, 2023 Court issues notice of electronic record certified to the Colorado Court of Appeals and certificate of mailing. December 7, 2023 Court issues notice regarding transmission of the electronic record. December 7, 2023 Court issues notice of filing of record on appeal and briefing schedule. January 3, 2024 U.S. District Court grants City’s motion for award of attorney fees and costs. January 18, 2024 Respondents file motion under C.A.R. 28(g)(3) for 13,000 words. January 18, 2024 Respondents file opening brief. January 29, 2024 Court issues order denying motion for 13,000 words, striking Respondents’ opening brief, and directing an amended opening brief to be filed. January 31, 2024 Respondents file Motion under F.R.C.P. 59(e) for amendment of judgment imposing attorney fee sanctions. February 20, 2024 Respondents file amended opening brief.** (Turner)

Serna, Francisco and Ajhalei Snoddy v. City of Colorado Springs, El Paso County, State of Colorado, Federal Highway Agency, Colorado Department of Transportation, El Paso County Local Agency, El Paso County Commissioners

United States District Court for the Western District of Texas Case No. 21-CV-939

**Fifth Circuit United States Court of Appeals Case No. 24-50019**

CLAIM: Plaintiffs allege the City did not follow the Uniform Relocation Act and Real Property Acquisition Act.

STATUS: February 2, 2022 City waives service on behalf of City of Colorado Springs. February 17, 2022 Plaintiff files first amendment to petition allegations of violation of due process rights. February 18, 2022 Plaintiff files response to Dave Watts’ motion to dismiss. February 18, 2022 County defendants file motion to dismiss or, in the alternative, for change of venue. February 28, 2022 Federal Highway Administration files motion to dismiss. March 1, 2022 Plaintiff files motion to strike defenses of Dave Watts, or as an alternative, motion for more definite statement. March 4, 2022 County defendants file motion to dismiss amended complaint or, in the alternative, for change of venue. March 8, 2022 Plaintiff files motion for more definite statement under Rule 12(e). March 11, 2022 Plaintiff files response to motion to dismiss filed by Federal Highway Administration. March 15, 2022 City files entry of appearance on behalf of City of Colorado Springs. March 18, 2022 Defendant Federal Highway Administration files reply to motion to dismiss. March 21, 22 Plaintiff files response to El Paso County’s motion to dismiss. March 21, 2022 Defendant El Paso County files response to Plaintiff’s motion for more definite statement. March 22, 2022 Defendant Dave Watt’s and Colorado Department of Transportation file response to Plaintiff’s motion to strike. March 28, 2022 City files motion to dismiss. April 4, 2022 Defendant Irvine files motion to dismiss amended complaint or, in the alternative, for change of

venue. April 4, 2022 Defendants State of Colorado and Jared Polis file motion to dismiss. April 6, 2022 Plaintiff files reply in support of motion for more definite statement from El Paso County. April 8, 2022 Plaintiff files reply to Colorado Department of Transportation's motion to dismiss. April 11, 2022 Plaintiff files response to City's motion to dismiss. April 19, 2022 Plaintiff files response to Defendants' Polis and Irvine motion to dismiss. April 25, 2022 Defendant Polis and Irvine reply to motion to dismiss. May 17, 2022 Court issues report and recommendation of the United States Magistrate Judge. May 17, 2022 Plaintiff files motion to remove Manitou Springs as Defendant. May 17, 2022 Plaintiff files motion for leave to remediate missing filing. May 31, 2022 Plaintiff files objection to report and recommendation of the United States Magistrate Judge. June 10, 2022 City files response to Plaintiff's objection to report and recommendation of the United States Magistrate Judge. June 13, 2022 Defendant County files response to objection to report and recommendation of the United States Magistrate Judge. June 15, 2022 Defendant FHWA files response to objection to report and recommendation of the United States Magistrate Judge. August 26, 2022 Court accepts and adopts Magistrate Judge's report and recommendation; final judgment enters for defendants. **August 24, 2023 Plaintiffs file motion to reopen judgment. September 1, 2023 Federal Highway Administration files response in opposition to Plaintiffs' motion to reopen. September 14, 2023 El Paso County files response in opposition to Plaintiffs' motion to reopen. September 22, 2023 State files response in opposition to Plaintiffs' motion to reopen judgment. September 29, 2023 Plaintiffs file reply in support of motion to reopen judgment. November 9, 2023 Court denies motion to reopen judgment. January 5, 2024 Plaintiffs file notice of appeal.**  
(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. September 20, 2023 Court issues order rescheduling status conference. September 29, 2023 Plaintiffs file response to motion to dismiss. October 10, 2023 City files motion for extension of time. October 10, 2023 Court grants motion for extension of time. **December 1, 2023 City files reply in support of motion to dismiss amended complaint. January 22, 2024 Court vacates status conference.**

(Turner)

Francisco Serna and Ajhalei Snoddy v. City of Colorado Springs, Judge Eric Bentley, Brad Rodenberg, Kyle Wigington

El Paso County District Court Case No. 23CV314

**Colorado Court of Appeals Case No. 24CA293**

CLAIM: Plaintiffs bring a petition under C.R.C.P. 106, C.R.C.P. 57, C.R.C.P. 65 and 42 U.S.C. § 1983

STATUS: October 3, 2023 City served with summons and complaint. October 18, 2023 City files motion for extension of time. October 21, 2023 Court grants motion for extension of time. October 27, 2023 Rodenberg files motion for extension of time. October 30, 2023 Court grants motion for extension of time. October 30, 2023 Bentley files notice of intent to file answer or other responsive pleading. November 20, 2023 Rodenberg files motion for extension of time. November 22, 2023 Bentley files motion to dismiss. **December 8, 2023 City files motion to dismiss. December 11, 2023 Plaintiffs file motion for extension of time and request for order ensuring timeliness parity for unregistered litigants. December 11, 2023 Court issues order of recusal. December 18, 2023 Court appoints senior judge. December 18, 2023 Rodenberg files motion to dismiss. December 20, 2023 Court issues order re Plaintiffs' 12/11/23 motion. December 28, 2023 Plaintiffs file motion for enlargement of time to complete service on Defendant Wigington. December 28, 2023 Plaintiffs file response to City's motion to dismiss. January 4, 2024 Plaintiffs file response to Judge Bentley's motion to dismiss. January 4, 2024 Court grants motions to dismiss. January 7, 2024 Court issues order taking no action on response to City's motion to dismiss. January 7, 2024 Court issues order taking no action on motion for enlargement of time to complete service on Defendant Wigington. January 9, 2024 Plaintiffs file response to Rodenberg's motion to dismiss. February 20, 2024 Plaintiffs file notice of appeal.**

(Turner)

Francisco Serna and Ajhalei Snoddy v. Anne Turner, FHWA, Eric Bentley, Magistrate Dominguez Braswell, Chief Judge Holmes

United States District Court Case No. 23-cv-2579

CLAIM: Plaintiffs allege infringement of federal statutory and constitutional rights

STATUS: October 11, 2023 Turner served with summons and complaint. November 1, 2023 Turner files motion to dismiss complaint. November 6, 2023 Defendant Bentley files motion to dismiss complaint. **November 29, 2023 Plaintiffs file motion for extension of time. November 29, 2024 Court grants motion for extension of time. November 29, 2023 Plaintiffs file response to motion to dismiss complaint. December 4, 2023 Plaintiffs file application for entry of default. December 4, 2023 Court states default will not enter. December 13, 2023 Turner files reply brief in support of motion to dismiss complaint. December 26, 2023**

**Plaintiffs file response to Bentley’s motion to dismiss complaint. January 9, 2024 Bentley files reply in support of motion to dismiss the complaint. January 5, 2024 Plaintiffs file notice to court on service of remaining summons.**

(Doherty)

#### TRANSIT

Jaimi Mostellar v. City of Manitou Springs, City of Colorado Springs, Wildcat Construction Co, Inc., John Doe, XYZ Corporation

El Paso County District Court Case No. 23CV31616

Colorado Court of Appeal Case No. 23CA1908

CLAIM: Plaintiff alleges injury after tripping on a bus stop sign.

STATUS: August 29, 2023 City served summons and complaint. September 19, 2023 City files motion to dismiss. September 27, 2023 Wildcat Construction files answer and jury demand. October 10, 2023 Plaintiff files response to City’s motion to dismiss. October 17, 2023 City files reply to response to motion to dismiss. October 25, 2023 Court issues order denying motion to dismiss. October 30, 2023 Plaintiff files status report. October 31, 2023 Court issues order approving status report. November 7, 2023 City files notice of appeal. November 8, 2023 Court of Appeals issues advisement of filing notice of appeal. November 15, 2023 Manitou Springs files motion to dismiss. **December 6, 2023 Plaintiff files response to Manitou Springs’ motion to dismiss. December 13, 2023 Manitou Springs files reply to response to motion to dismiss. December 13, 2023 Court issues order regarding scope of stay of proceedings. December 20, 2023 Parties file joint status report to the court. January 1, 2024 Court issues order regarding scope of automatic stay.**

(Lamphere)

#### 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. August 30, 2023 Court issues stipulated amended case management order. **January 19, 2024 Plaintiff files notice of amended trial setting and pre-trial conference. January 23, 2024 Plaintiff files notice of discovery dispute conference. January 26, 2024 City files statement for discovery dispute. January 26, 2024 Plaintiff files statement for discovery dispute hearing. January 29, 2024 discovery dispute conference held.**  
(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. November 17, 2023 City files motion for extension of time. **November 20, 2023 Court grants motion for extension of time. November 20, 2023 Island Construction files motion to extend dispositive motions deadline. November 21, 2023 Court grants motion to extend dispositive motions deadline. December 4, 2023 Island Construction files motion for summary judgment. December 5, 2023 pretrial readiness conference held. December 12, 2023 Plaintiffs file motion for extension of time. December 12, 2023 Plaintiffs file notice of trial and pretrial readiness conference. December 13, 2023 Court grants motion for extension of time. January 9, 2024 Plaintiffs file response to Island Construction's motion for summary judgment. January 23, 2024 Island Construction files reply in support of motion for summary judgment. January 24, 2024 Plaintiffs file motion for leave to file sur-reply and sur-reply to Island Defendants' motion for summary judgment. January 25, 2024 Court denies motion for leave to file sur-reply. February 2, 2024 Court denies Island Defendants' motion for summary judgment.**  
(Doherty)

## ADMINISTRATIVE SECTION

### DISPOSED MATTERS

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. Complainant requested a right to sue, which was issued September 29, 2023. **90-day deadline to file suit has passed.**

(McCall)

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. **Letter of decision with no probable cause finding issued October 9, 2023. Claimant appealed. Response to Appeal filed October 26, 2023. Letter affirming finding of no probable cause issued November 20, 2023. 90-day deadline to file suit approximately February 18, 2024.**

(McCall)

Sameer Bhatia v. City of Colorado Springs, Case No. 23S.788

City served small claims summons for January 29, 2024. January 17, 2024 City files notice of representation and answer. January 23, 2024 Courts enters order of dismissal.

(McCall)

### NEW MATTERS

EMPLOYEE V. CITY OF COLORADO SPRINGS, Charge Number EEOC 541-2023-01605  
November 10, 2023, Claimant brings unperfected charge of discrimination. December 26, 2023 claimant withdraws charge.

(McCall)

### CURRENT MATTERS

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. **EEOC Determination and Notice of Rights without findings as to merits of claims issued December 20, 2023. 90-day deadline to file suit is approximately March 19, 2024.**

(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. **Letter of decision finding that charge failed to state a claim under any laws enforced by the EEOC issued December 21, 2023. 90-day deadline to file suit approximately March 20, 2024.**

(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)

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 and request for information filed August 3, 2023. Pending Decision.

(McCall)

EMPLOYEE V. CITY OF COLORADO SPRINGS, charge number EEOC 541-2023-02874

August 26, 2023, Claimant brings charge of employment discrimination under Title VII of the Civil Rights Act. **Amended Charge filed December 15, 2023. No response requested at this time.**

(McCall)

**UTILITIES: Water Court Cases**

**Total Active Application Cases:** **8 (5 Diligence Cases)**

**Application Cases before Water Referee:** **6**

<u>Number</u>	<u>Case Name</u>
15CW3019	Blue River (Diligence)
18CW3041	Homestake / Blue River (Diligence)
20CW3024	Homestake Conditional Rights (Diligence)
23CW3052	FLCC Exchange
23CW3087	Homestake Partners (Diligence)
23CW3138	Homestake Partners (Diligence)

**Application Cases before Water Judge:** **1**

21CW3015                      LAWMA Share Exchange

**Case on Appeal** **1**

22SA317                      Green Mountain Reservoir

**Total Objector Cases:** **23**

**Stipulated:** **6**

**Active:** **17**

**Active before Water Referee:** **12**

**Active before Water Judge:** **5**

<u>Number</u>	<u>Case Name</u>
19CW3036	Lower Arkansas Water Management Association
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 – 57  
 Utilities – 8  
 Memorial - 0

**Subrogation cases** handled by outside counsel:

Municipal – 0  
 Utilities – 0

**Subrogation cases** handled by City Attorney’s Office:

Municipal – 0  
 Utilities – 0

**CRIMINAL PROSECUTIONS SECTION**

(MUNICIPAL COURT)

	<b>NOV</b>	<b>DEC</b>	<b>JAN</b>
Cases Docketed for Trial by Court	36	11	48
Cases tried	13	3	11
Cases handled without trial	23	8	37
Cases Docketed for Trial by Jury	15	10	22
Cases tried	0	1	2
Cases handled without trial	15	9	20
Cases Docketed and Prepped for Pretrial	842	411	862
Traffic Cases Docketed for Instant Pre-Trial Conference	977	1019	857
Remote Dispositions	45	41	41
Email Dispositions	33	31	29
Attorney Remote Dispositions	12	10	12
Jail Docket	666	657	705
Administrative Hearings	0	0	0
Cases Referred to Outreach Court for Services	46	51	81
Discovery Requests Processed	221	145	232
Appellate Cases Pending	6	6	5
<b>TOTAL MATTERS:</b>	<b>2854</b>	<b>2351</b>	<b>2853</b>