

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No. 11-cv-02603-REB-KMT

DAVID C. ROSS,

Plaintiff,

v.

COLORADO DEPARTMENT OF TRANSPORTATION,

Defendant.

FINAL JUDGMENT

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

A. Pursuant to the **Order** [#55] entered by Judge Robert E. Blackburn on November 14, 2012, which order is incorporated by reference,

IT IS ORDERED as follows:

1. That **Defendant's Memorandum Brief in Support of Combined Motion To Dismiss and Motion for Summary Judgment** [#19], filed June 29, 2012, is **GRANTED IN PART**;

2. That the motion for summary judgment is **GRANTED**; and

3. That plaintiff's claims arising under Title VII for hostile work environment, failure to accommodate, discrimination, and retaliation (the First, Second, and Seventh Claims for Relief) are **DISMISSED WITH PREJUDICE**.

B. Pursuant to the **Order Granting Defendant's Motion To Dismiss** [#66] entered by Judge Robert E. Blackburn on March 14, 2013, which order is incorporated by

reference,

IT IS ORDERED as follows:

1. That **Defendant's Memorandum Brief in Support of Combined Motion To Dismiss and Motion for Summary Judgment** [#19], filed June 29, 2012, is **GRANTED IN PART**;

2. That the motion to dismiss is **GRANTED**;

3. That plaintiff's claims arising under the First Amendment (Third, Fourth, and Fifth Claims for Relief) and under state law (Sixth Claim for Relief) are **DISMISSED WITH PREJUDICE**;

4. That **JUDGMENT IS ENTERED** on behalf of defendant, the Colorado Department of Transportation, against plaintiff, David C. Ross, on plaintiff's claims arising under the First Amendment (Third, Fourth, and Fifth Claims for Relief) and under state law (Sixth Claim for Relief);

5. That **JUDGMENT IS ALSO ENTERED** on behalf of defendant, the Colorado Department of Transportation, against plaintiff, David C. Ross, as to plaintiff's claims arising under Title VII for hostile work environment, failure to accommodate, discrimination, and retaliation (the First, Second, and Seventh Claims for Relief); and

6. That defendant is **AWARDED** its costs to be taxed by the clerk of the court pursuant to Fed. R. Civ. P. 54(d)(1) and D.C.COLO.LCivR 54.1.

DATED at Denver, Colorado, this 18th day of March, 2013.

FOR THE COURT:

JEFFREY P. COLWELL, CLERK

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