

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 92-N-870 (OES) (Consolidated for all purposes with Civil Action No. 96-N-343)

JESSE MONTEZ, et al.

Plaintiffs,

-vs.-

BILL OWENS, et al.

Defendants.

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Claim Number X-323

Category: Untimely Filed Claim

Claimant: Tiffani Anderson, #138679

Address of Claimant: LVCF, 1401 W. 17<sup>th</sup> Street, Pueblo, CO 81003

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**ORDER OF DISMISSAL OF SPECIAL MASTER**

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THIS MATTER came before the Special Master on the claim of Tiffani Anderson. In that claim, Ms. Anderson indicated that she was incarcerated in 2003. An order was issued to Claimant to indicate when she came into DOC custody. Claimant filed a document which reflected that she entered into DOC custody on October 24, 2007. An order to show cause was issued to Claimant on November 21, 2008. Claimant was granted up to and including December 29, 2008 in which to indicate what jurisdiction existed to adjudicate her damage claim.

This case was commenced in 1992 under the Americans with Disabilities Act and Rehabilitation Act. The general allegations were that DOC had many inmates who were disabled and who were being discriminated against because of those disabilities. On August 27, 2003, Judge Nottingham approved the Remedial Plan. That document is the written settlement agreement between counsel for the class and Defendants. Judge Nottingham held a fairness hearing and then approved the settlement. Article XXXII of the Remedial Plan provides for a claim process for individuals who were in DOC custody on or before August 27, 2003 and were the victims of discrimination prohibited by the ADA and Rehabilitation Act on or before that date.

Claimant came into DOC custody after August 27, 2003. There is no jurisdiction over this damage claim.

IT IS HEREBY ORDERED that the claim of Tiffani Anderson is dismissed, as she came into

DOC custody after August 27, 2003 and there is no jurisdiction over this claim; and

IT IS FURTHER ORDERED that Claimant and Defendants are advised that they may file an objection to this Order pursuant to Federal Rule of Civil Procedure 53(g)(2), but said objection must be filed with the Clerk of the United States District Court, 901 19<sup>th</sup> Street, Denver, CO 80294 **on or before February 24, 2009.**

SIGNED this 6<sup>th</sup> day of January, 2009.

BY THE COURT:

*/s/ Richard M. Borchers*

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Richard M. Borchers  
Special Master