

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

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

JESSE MONTEZ, et al.

Plaintiffs,

-vs.-

BILL OWENS, et al.

Defendants.

Claim Number X-346

Category: Untimely Filed Claim

Claimant: Dean Gates, #118740

Address of Claimant: FLCF, P.O. Box 1000, Ft. Lyon, CO 81038-1000

ORDER OF SPECIAL MASTER

THIS MATTER comes before the Special Master on the letter of Claimant (#3843). The letter has been referred to the undersigned per the order of Judge Kane that expanded the jurisdiction of the Special Masters.

In the letter, Claimant explains that he is blind and unable to walk. He has requested information concerning this case.

Claimant has not filed a damage claim pursuant to Article XXXII of the Remedial Plan. In fairness to Claimant, a damage claim form and instruction sheet will be provided to him. He will be granted time to file a claim for damages. A claim for damages must show that Claimant was disabled on or before August 27, 2003 and the victim of discrimination prohibited by the ADA and Rehabilitation Act.

To the extent that Claimant is requesting relief for something that is presently occurring, the letter will be treated as a motion. The question of whether the Court has jurisdiction over individual requests for relief is pending before the District Judge. The Special Masters have issued a report and recommendation, and Claimant will be provided a copy of that. The assigned District Judge has issued an order directing class counsel and Defendants to meet and discuss whether an agreement can be obtained as to this issue. If not, the District Judge will issue an order resolving the issue. Until the jurisdictional issue is resolved, nothing further can be done on Claimant's letter as it requests relief

for something that is presently occurring.

IT IS HEREBY ORDERED that Claimant is granted up to and including **May 4, 2009** in which to file a damage claim form, if he believes that he meets the requirements of Article XXXII of the Remedial Plan; and

IT IS FURTHER ORDERED that Claimant's letter is held in abeyance as it pertains to a request for relief for on-going care and treatment.

SIGNED this 13th day of March, 2008.

BY THE COURT:

/s/ Richard M. Borchers

Richard M. Borchers
Special Master