

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 92-CV-870-CMA

JESSE MONTEZ, et al.

Plaintiffs,

-vs.-

BILL OWENS, et al.

Defendants.

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Claim Number X-344

Category: Untimely Filed Claim

Claimant: Fidel G. Ramos, #41238

Address of Claimant: SCF, P.O. Box 6000, Sterling, CO 80751

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**ORDER OF DISMISSAL OF SPECIAL MASTER**

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THIS MATTER comes before the Special Master on the letter of Claimant (#3835). The letter has been referred to the undersigned per the order of Judge Kane that expanded the jurisdiction of the Special Masters.

As a result of receiving the letter, the Special Master forwarded a damage claim form and instruction sheet to Claimant. He had not filed a damage claim pursuant to Article XXXII of the Remedial Plan. Claimant was granted up to and including April 27, 2009 in which to file a claim form if he believed that he met the criteria of the Remedial Plan. No claim has been filed, and no further action will be taken as to this part of the case.

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. Both class counsel and Defendants have filed their position statements as to this 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's case as to any damage claim under Article XXXII of the Remedial Plan is dismissed for lack of jurisdiction as Claimant has not filed a claim form; and

IT IS FURTHER ORDERED that the letter of Claimant, to the extent that it requests relief

for something that has recently occurred, is held in abeyance pending resolution of the jurisdictional issue; 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 June 22, 2009.**

SIGNED this 5<sup>th</sup> day of May, 2009.

BY THE COURT:

*/s/ Richard M. Borchers*

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Richard M. Borchers  
Special Master