

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge John L. Kane

Civil Action No. **92-cv-00870-JLK**

JESSE MONTEZ, et al.

Plaintiffs, as representatives of themselves and all others similarly situated in
the class action,

v.

BILL OWENS, et al,

Defendants.

Re: Claimant Wellman E. Gibson, Claim number 03-173

ORDER

Kane, J.

This matter is before the court on Claimant Wellman Gibson's Objection to Amended Final Order of Special Master (doc. #3617). I have reviewed the Amended Final Order, and the objection, as well as the numerous other filings of Mr. Gibson and rule as follows:

In a detailed and well considered ruling, the Special Master found that the while the claimant does suffer from chronic low back and neck pain, he is not a mobility disabled person as defined under the terms of the remedial plan. The standard of review is abuse of discretion and no such abuse was found. The rulings of the Special Master are based on the evidence and the law was properly applied. Because the claimant failed to prove he was disabled as defined by the Settlement Agreement, dismissal of his claim was appropriate. The Objection is OVERRULED. The Amended Final Order of Special Master (doc. #3512) is AFFIRMED.

The Motion for Immediate Ruling on Appeal of Amended Final Order (doc. #3824),

is denied as moot.

Dated: September 28, 2009

BY THE COURT:

s/John L. Kane

JOHN L. KANE, SENIOR JUDGE
UNITED STATES DISTRICT COURT

Service of this order shall be made via NEF, with standard mailing to Mr. Gibson.