

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 92-CV-870-JLK

JESSE MONTEZ, et al.

Plaintiffs,

-vs.-

BILL RITTER, et al.

Defendants.

---

Claim Number X-389

Category: Untimely Filed Claim

Claimant: Robert Riplie, #107521

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

---

**ORDER OF DISMISSAL OF SPECIAL MASTER**

---

THIS MATTER came before the Special Master on the letter filed on behalf of Robert Riplie. (#4246). The allegation in the letter was that Mr. Riplie was and is diabetic.

An order was issued granting Claimant up to and including March 15, 2010 in which to file a claim form. Claimant has not filed a claim despite being granted time to do so.

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. 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 has not filed a damage claim under Paragraph XXXII of the Remedial Plan. The Special Masters have no jurisdiction over any claim if a claim form is not filed. Nothing further can be done on this claim at this time.

IT IS HEREBY ORDERED that the claim of Robert Riplie is denied, as he has failed to file a claim form as required by Article XXXII of the Remedial Plan; 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 May 24, 2010.**

SIGNED this 19<sup>th</sup> of March, 2010.

BY THE COURT:

*/s/ Richard M. Borchers*

---

Richard M. Borchers  
Special Master