

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.

REPORT OF SPECIAL MASTERS

The Special Masters do hereby submit this Report concerning claims that remain open as of June 25, 2010. These claims have been or are being processed pursuant to Paragraph XXXII of the Remedial Plan, the order of Judge Kane of September 1, 2009, and the order of Judge Kane of March 23, 2010.

As a result of the order of March 23, 2010, the ninety files that had been held in abeyance were dismissed for lack of jurisdiction. Since the order of March 23, 2010, an additional one hundred and thirty-one new claims have been filed by individuals who previously have not filed a claim with the Special Masters.

Summary:

Claims dismissed for lack of jurisdiction after March 23, 2010 order	90
Claims set for hearing on allegations of non-compliance or retaliation	16
Claims set for hearing on initial allegations of disability	3
Claims set for hearing after remand from Judge Kane	1
Claims dismissed <i>sua sponte</i> as second or third claims since 3/23/10	79
X-file claims dismissed <i>sua sponte</i> since 3/23/10	62
X-file claims awaiting further documents	18
X-file claims awaiting responses to orders to show cause	22
X-file claims in which Defendants have been given opportunity to object	53
Claims pending determination of status and viability:	3
 TOTAL CLAIMS DISMISSED AS RESULT OF MARCH 23 ORDER:	 90
TOTAL CLAIMS DISMISSED <i>SUA SPONTE</i> SINCE MARCH 23:	141
TOTAL CLAIMS REMAINING OPEN:	116

Claims Scheduled for Hearing:

<u>Claim #</u>	<u>Claimant</u>	<u>Hearing Date</u>
02-204	Robert Jones	Hearing set for November 15, 2010. Claimant alleges final order of Special Master not being followed by DOC staff.
02-524	Philip Andrade	Hearing set for November 15, 2010. Claimant alleges final order of Special Master not being followed by DOC staff.
03-135	Mark Johnson	Hearing set for September 20, 2010. Claimant alleges final order of Special Master not being followed by DOC staff.
03-138	Kevin Mark Bretz	Hearing set for September 27, 2010. Claimant alleges final order of Special Master not being followed by DOC staff.
03-194	Hector Martinez-Jimenez	Hearing set for October 25, 2010. Claimant alleges alleges final order not being followed by DOC staff and continued pattern of discrimination.
03-276	Michael Tivis	Hearing set for October 4, 2010. Claimant alleges retaliation and failure to follow final order.
03-294	Jackie Carr	Hearing set for September 27, 2010. Claimant alleges failure of DOC to comply with final order.
03-321	Jeffrey Harris	Hearing date set for October 4, 2010. Claimant alleges final order not being complied with by DOC staff.
03-328	Henry Tafoya	Hearing set for September 7, 2010. Claimant alleges that DOC staff have not complied with final order of Special Master.
03-334	Marty Bueno	Hearing set for September 7, 2010. Claimant alleges CDOC not complying with final order.
03-335	Keith Schwinaman	Hearing set for September 7, 2010. Claimant alleges that DOC has not complied with final order.
03-336	Gerry K. Kelly	Hearing set for September 27, 2010. Claimant alleges failure to comply with final order by DOC staff.
03-350	Charles Stroud	Hearing set for September 20, 2010. Claimant alleges CDOC has not complied with final order.
03-412	Donald Revere	Hearing set for September 7, 2010. Claimant alleges DOC has not complied with final order.
03-427	Angela Thomas	Hearing set for September 20, 2010. Claimant alleges non-compliance with final order.

<u>Claim #</u>	<u>Claimant</u>	<u>Hearing Date</u>
03-465	Allen Fistell	Hearing set for September 8, 2010. Claimant and class counsel allege DOC has not complied with final order.
03-479	Eldridge Griffin	Hearing set for November 1, 2010. This is initial hearing on this claim.
03-480	Daniel Hartley	Hearing set for September 8, 2010. This is initial hearing on claim. Claimant presented sufficient basis to allow processing to continue despite Defendant's objections.
03-481	Gustavo Osuna	Hearing set for October 4, 2010. Initial hearing to be held on claim in light of remand.
03-482	Richard Rice	Hearing set for September 8, 2010. This is initial hearing on claim. Claimant presented sufficient basis to allow processing to continue despite Defendant's objections.

Second or Third Claims Dismissed *Sua Sponte*:

Following the issuance of the March 23, 2010 order, the following individuals filed a second or third claim, even though a previous claim had been filed and adjudicated by the Special Masters. All second or third claims have been dismissed *sua sponte*.

<u>Claim #</u>	<u>Claimant</u>	<u>Date Dismissed</u>
01-001	Brian Anderson	5/7/10
01-017	Robert Brantner	5/14/10
01-020	Terry Benavidez	5/7/10
01-044	Melinda Martinez	5/7/10
01-050	Robert Juarez	5/14/10
01-078	Mark Ellis	5/21/10
01-197	Daniel Martinez	4/23/10
01-200	Michael Edmond	5/14/10
02-054	Jeremy Ruybal	5/7/10
02-072	Wayne Sloan	5/14/10
02-104	Kenneth Jackson	5/7/10
02-124	Donald Hunt	5/7/10
02-126	Pete Maestas	5/7/10
02-147	William Redding	5/7/10
02-163	Joseph Alires	5/14/10

<u>Claim #</u>	<u>Claimant</u>	<u>Date Dismissed</u>
02-172	Michael Southern	5/28/10
02-182	Troy Moore	5/14/10
02-271	Michael Windsor	4/9/10
02-272	Kai Christman	5/28/10
02-301	Terence Blount	5/14/10
02-379	George Murphy	5/28/10
02-497	Dorothy Soto	5/7/10
02-525	Susan Beemer	4/23/10
02-568	Mary Kay Condit	5/14/10
02-610	Douglas Crawford	5/14/10
02-718	Stephen Grace	4/9/10
02-726	Franklin Kemp	5/28/10
02-732	Craig Ralston	5/7/10
02-742	Michael Mulligan	5/23/10
02-803	Kenneth Armbeck	5/7/10
02-838	Robert O'Dell	5/21/10
02-875	Terry Jones	5/7/10
02-880	Gilroy Vasquez	5/7/10
02-884	Allen Spencer	5/21/10
02-914	Asa Meek	5/7/10
03-007	Timothy Moses	5/7/10
03-009	Seth Reed	5/28/10
03-033	Steve Garcia	5/7/10
03-040	Leroy Baker	5/21/10
03-052	Marvin Jenkins	5/28/10
03-060	Alan Mount	5/7/10
03-082	Arthur Montoya	5/21/10
03-131	Martha Sharp	5/7/10
03-149	Charles Parrish	5/21/10
03-151	James Ross	5/21/10
03-155	James O'Banion	5/21/10
03-157	Thomas Snyder	5/14/10
03-162	Robert Schwartz	6/4/10
03-167	Sue Williams	5/28/10
03-171	Paul Martinez	4/23/10
03-173	Wellman Gibson	5/21/10
03-189	David Martinez	5/7/10
03-205	Maurice Juranek	5/28/10
03-211	Matthew Mounts	4/23/10
03-215	Gordon Reuell	5/21/10
03-237	David Doremus	5/7/10

<u>Claim #</u>	<u>Claimant</u>	<u>Date Dismissed</u>
03-239	Leonard Rogers	5/7/10
03-244	John Claice	5/21/10
03-273	David Mares	6/4/10
03-281	Alice Randle	5/7/10
03-286	Frederick Porter	5/14/10
03-320	Walter Price	5/7/10
03-339	Joseph Olmedo	5/28/10
03-356	Justin Goetz	5/28/10
03-363	James Henderson	5/7/10
03-377	Ronald Cordova	5/7/10
03-387	James Sibert	5/14/10
03-404	Marcus Fowler	5/14/10
03-426	Zina Jones	4/30/10
03-428	Gregg Johnston	5/21/10
03-437	John Hammond	4/23/10
03-438	Albert Abeyta	4/23/10
03-441	Ethel White	4/30/10
03-444	Robert Whitaker	5/21/10
03-448	George Marin	5/21/10
03-449	Miguel Rodriguez	5/14/10
03-451	Clinton Baskall	5/21/10
03-461	Robert Balukas	5/14/10
03-463	Dean Gates	5/7/10

X-File Claims Dismissed *Sua Sponte*:

These claims were received after the issuance of the March 23, 2010 order. Most of the claims arrived after the mass mailing by class counsel. A total of 129 new first-time claims have been received since March 23, 2010.

<u>Claim #</u>	<u>Claimant</u>	<u>Date Dismissed</u>
X-025	Kristen Peterson	6/11/10
X-278	Jeffrey McIntyre	5/28/10
X-283	Robert Landrum	5/21/10
X-292	James Hunt	5/7/10
X-301	Eric Robert	6/4/10
X-311	David Watts	5/21/10
X-316	Edward Spohr	4/16/10
X-323	Tiffani Anderson	5/21/10
X-326	John Garcia	5/28/10

<u>Claim #</u>	<u>Claimant</u>	<u>Date Dismissed</u>
X-333	David Aragon	5/7/10
X-361	Joshua Maes	5/28/10
X-370	James Bertolo	5/7/10
X-381	Thomas Tillery	4/2/10
X-388	Mario Primavera	5/14/10
X-391	John Johnson	4/2/10
X-393	Mark Hanson	4/23/10
X-397	John O'Hara	4/23/10
X-399	Edward Herrera	6/4/10
X-402	Ira Roberts	4/23/10
X-406	Frank Harper	4/23/10
X-407	Kenneth Meadows	4/23/10
X-408	Kelly Phillips	4/23/10
X-409	Crystal Sierra-Garcia	4/23/10
X-411	Andrew Greek	5/7/10
X-413	Jefferson Owings	5/7/10
X-415	Santos Torres	5/19/10
X-416	Cheryl Trumbo	5/14/10
X-417	Solomon Vigil	5/14/10
X-418	Pamela Wherry	5/14/10
X-425	Felix Jaquez	5/14/10
X-426	Blane Marshall	5/14/10
X-433	Edward Rodriguez	5/14/10
X-438	James Sardakowski	5/14/10
X-441	Anthony Wright	5/14/10
X-443	Phillip Greening	5/14/10
X-445	Robert Peterson	5/14/10
X-448	Maria Lovato	5/14/10
X-449	Miguel Rodriguez	5/14/10
X-451	Mark Corzine	5/14/10
X-453	Christopher Edwards	5/14/10
X-463	Gardner Woodward	5/28/10
X-464	William Black	5/14/10
X-466	Rowdy Hickman	5/14/10
X-467	Wade Holland	5/14/10
X-472	Alfredo Barajas	5/28/10
X-475	Thomas Johnson	5/28/10
X-478	James Morgan	5/28/10
X-487	Joseph Ellsworth	5/28/10
X-493	Jose Zazueta	5/28/10
X-495	Charles Robinson	5/28/10

<u>Claim #</u>	<u>Claimant</u>	<u>Date Dismissed</u>
X-497	Antonio Stancil	5/28/10
X-498	Michael LaJeunesse	5/28/10
X-499	Chris Martinez	5/28/10
X-500	Michael Garnett	6/4/10
X-505	Albert Valenzuela	5/28/10
X-509	Richard Powell	5/28/10
X-513	Dwayne Gregory	6/4/10
X-514	Brice Thompson	6/4/10
X-518	Terrence Redwine	6/4/10
X-519	Isaac Garcia	6/11/10
X-520	Farest Logan	6/11/10
X-521	John DePue	6/11/10

Claims to be Processed:

These claims have been filed by individuals who were in DOC custody on or before August 27, 2003. On claims that have raised a non-frivolous reason for late filing, Defendants have been granted the opportunity to file an objection to processing of the claim. This is pursuant to Judge Kane's order of September 1, 2009. In light of the compliance hearing, the first objections are not due from Defendants until mid-August, 2010.

<u>Claim #</u>	<u>Claimant</u>	<u>Next action on claim</u>
02-254	David Hall	Awaiting further documents from Claimant
02-600	Arthur Santistevan	Order to show cause issued to Claimant
03-129	Jill Coit	Order to show cause issued to Claimant
03-168	Cornelius Williams	Defendants granted time to file objection
03-217	Willie Montoya	Awaiting further documents from Claimant
03-325	Tom Wilsey	Awaiting further documents from Claimant
03-332	Matthew Archuleta	Order to show cause issued to Claimant
03-344	Jay Bailey	Order to show cause issued to Claimant
03-419	William Cokley	Order to show cause issued to Claimant
03-470	John Mosier	Order to show cause issued to Claimant
X-184	Charles Armstrong	Order to show cause issued to Claimant
X-389	Robert Riplie	Defendants granted time to file objection
X-395	Perfecto Bernal	Defendants granted time to file objection
X-396	Roger L. Dixon	Defendants granted time to file objection
X-398	Michael R. Cabral	Defendants granted time to file objection
X-400	Larry Morris	Defendants granted time to file objection
X-401	James Rivera	Order to show cause issued to Claimant
X-403	Steve Watson	Defendants granted time to file objection

<u>Claim #</u>	<u>Claimant</u>	<u>Next action on claim</u>
X-404	Twyla Wilkerson	Defendants granted time to file objection
X-405	Jose Fernandez	Defendants granted time to file objection
X-410	Elaine Chavez	Defendants granted time to file objection
X-412	Daryl Martin	Defendants granted time to file objection
X-414	Joseph Perez	Defendants granted time to file objection
X-419	Arden Pierre	Order to show cause issued to Claimant_____
X-420	Lynn Scott	Defendants granted time to file objection
X-421	Chris Williamson	Defendants granted time to file objection
X-422	Robert Baillie	Defendants granted time to file objection
X-423	William Baxter	Defendants granted time to file objection
X-424	Robert Gallegos	Order to show cause issued to Claimant
X-427	Robert Meyers	Defendants granted time to file objection
X-428	Dennis Harper	Defendants granted time to file objection
X-429	Albino Montoya	Defendants granted time to file objection
X-430	Ralph Mooney	Defendants granted time to file objection
X-431	Keith Morris	Defendants granted time to file objection
X-432	Jeffrey Phillips	Order to show cause issued to Claimant
X-434	Vu Tran	Defendants granted time to file objection
X-435	George Espinal	Order to show cause issued to Claimant
X-436	Danny Martinez	Defendants granted time to file objection
X-437	Ross Morales	Order to show cause issued to Claimant
X-439	Richard Trujillo	Defendants granted time to file objection
X-440	Edward Williams	Awaiting further documents from Claimant
X-442	Jason Conklin	Order to show cause issued to Claimant
X-444	Gilbert Pacheco	Awaiting further documents from Claimant
X-446	Albert Garza	Defendants granted time to file objection
X-447	Lloyd Laxson	Defendants granted time to file objection
X-450	Wayne Brunsilius	Defendants granted time to file objection
X-452	Joseph Dreismeier	Defendants granted time to file objection
X-454	Clovis Green	Order to show cause issued to Claimant
X-455	Rodney Harless	Defendants granted time to file objection
X-456	Jefferie Hocker	Defendants granted time to file objection
X-457	Cordell Johnson	Defendants granted time to file objection
X-458	Tony Million	Defendants granted time to file objection
X-459	Algernon Nash	Defendants granted time to file objection
X-460	Johnny Ornelas	Order to show cause issued to Claimant
X-461	Donnie Russell	Defendants granted time to file objection
X-462	Dale Wagenman	Awaiting further documents from Claimant
X-465	Jessie Candie	Order to show cause issued to Claimant
X-468	James Hunn	Awaiting further documents from Claimant
X-469	Thomas Maddock	Defendants granted time to file objection

<u>Claim #</u>	<u>Claimant</u>	<u>Next action on claim</u>
X-470	Charles Stout	Order to show cause issued to Claimant
X-471	Robert Bacca	Defendants granted time to file objection
X-473	Charles Burgess	Awaiting further documents from Claimant
X-474	David Helton	Defendants granted time to file objection
X-476	Fred Lucero	Defendants granted time to file objection
X-477	Ralph Martinez	Defendants granted time to file objection
X-479	Joseph Pena	Awaiting further documents from Claimant
X-480	Celestino Quintana	Defendants granted time to file objection
X-481	Jesse Roberts	Defendants granted time to file objection
X-482	Anthony Sanchez	Defendants granted time to file objection
X-483	Oliver Shaw	Defendants granted time to file objection
X-484	Richard Sigala	Awaiting further documents from Claimant
X-485	Robert Venne	Awaiting further documents from Claimant
X-486	Lankford Wells	Defendants granted time to file objection
X-488	Clyde Johnson	Awaiting further documents from Claimant
X-489	William Coney	Order to show cause issued to Claimant
X-491	Joseph Thomas	Defendants granted time to file objection
X-492	Robert Ramirez	Defendants granted time to file objection
X-494	Connie Powell	Order to show cause issued to Claimant
X-496	Vincent Saldana	Defendants granted time to file objection
X-497	Antonio Stancil	Awaiting further documents from Claimant
X-501	Joe Landers	Defendants granted time to file objection
X-502	D. Monroy Loera	Defendants granted time to file objection
X-503	Joseph Ortega	Awaiting further documents from Claimant
X-504	Daniel Saldivar	Order to show cause issued to Claimant
X-506	Mike Schwirzinski	Defendants granted time to file objection
X-508	Donald Mares	Defendants granted time to file objection
X-510	Joseph Garcia	Order to show cause issued to Claimant
X-511	Manuel Motta	Defendants granted time to file objection
X-512	Ned Pace	Defendants granted time to file objection
X-515	John Swiger	Awaiting further documents from Claimant
X-516	Patrick Murphy	Defendants granted time to file objection
X-517	David Davis	Defendants granted time to file objection
X-522	Bradley Broswick	Awaiting review by Special Master
X-523	Donald DeSalvo	Order to show cause issued to Claimant
X-524	Raymond Salazar	Order to show cause issued to Claimant

IT IS HEREBY ORDERED that this Report be filed with the Court reflecting the status of open claims that are pending before the Special Masters as of June 25, 2010.

SIGNED this 25th day of June, 2010.

BY THE COURT:

/s/ Richard M. Borchers

Richard M. Borchers
Special Master

Bruce D. Pringle
Special Master

Richard C. Davidson
Special Master