

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.

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**AMENDED REPORT OF SPECIAL MASTERS**

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The Special Masters do hereby submit this Report concerning claims that remain open as of July 23, 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. This amendment reflects orders to show cause that recently had been issued.

**Summary:**

Claims set for hearing on allegations of non-compliance or retaliation	15
Claims set for hearing on initial allegations of disability	3
Claims set for hearing after remand from Judge Kane	1
Claims in which claimant has requested to re-open	1
X-file claims awaiting further documents	1
X-file and other claims awaiting responses to orders to show cause	19
X-file claims in which Defendants have been given opportunity to object	43
 TOTAL CLAIMS REMAINING OPEN:	 83

**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.

<u>Claim #</u>	<u>Claimant</u>	<u>Hearing Date</u>
03-135	Mark Johnson	Hearing set for October 25, 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 D. 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.
03-427	Angela Thomas	Hearing set for September 20, 2010. Claimant alleges non-compliance with final order.
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.

<u>Claim #</u>	<u>Claimant</u>	<u>Hearing Date</u>
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.

**Claims Being 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>
02-600	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
03-264	Sean Pearce	Defendants granted time to file objection to request to re-open claim
03-419	William Cokley	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-403	Steve Watson	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-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	Willie Baxter	Order to show cause issued to Claimant
X-427	Robert Meyers	Defendants granted time to file objection
X-428	Dennis Harpin	Defendants granted time to file objection
X-429	Albino Montoya	Defendants granted time to file objection

<u>Claim #</u>	<u>Claimant</u>	<u>Next action on claim</u>
X-430	Ralph Mooney	Defendants granted time to file objection
X-431	Keith Morris	Defendants granted time to file objection
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-439	Richard Trujillo	Defendants granted time to file objection
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-455	Rodney Harless	Order to show cause issued to Claimant
X-456	Jefferie Hocker	Defendants granted time to file objection
X-457	Cordell Johnson	Defendants granted time to file objection
X-458	Tony Million	Order to show cause issued to Claimant
X-459	Algernon Nash	Order to show cause issued to Claimant
X-461	Donnie Russell	Order to show cause issued to Claimant
X-469	Thomas Maddock	Defendants granted time to file objection
X-470	Charles Stout	Order to show cause issued to Claimant
X-471	Robert Bacca	Defendants granted time to file objection
X-474	David Helton	Order to show cause issued to Claimant
X-476	Fred Lucero	Defendants granted time to file objection
X-477	Ralph Martinez	Defendants granted time to file objection
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	Order to show cause issued to Claimant
X-486	Lankford Wells	Defendants granted time to file objection
X-491	Joseph Thomas	Order to show cause issued to Claimant
X-492	Robert Ramirez	Defendants granted time to file objection
X-496	Vincent Saldana	Defendants granted time to file objection
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-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	Order to show cause issued to Claimant
X-512	Ned Pace	Order to show cause issued to Claimant
X-516	Patrick Murphy	Order to show cause issued to Claimant
X-517	David Davis	Defendants granted time to file objection
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 July 28, 2010.

SIGNED this 26<sup>th</sup> day of July, 2010.

BY THE COURT:

*/s/ Richard M. Borchers*

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Richard M. Borchers  
Special Master

Bruce D. Pringle  
Special Master

Richard C. Davidson  
Special Master