

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO**

Civil Action No. 05-cv-01673-RPM-CBS

GRACE CHURCH OF ROARING FORK VALLEY,  
a Colorado Non-Profit Corporation,  
TERRY MANER, and  
E. WAYNE STARR, as members of the Church  
and participants herein,

Plaintiffs,

v.

BOARD OF COUNTY COMMISSIONERS OF PITKIN  
COUNTY, STATE OF COLORADO;  
DOROTHEA FARRIS;  
JACK HATFIELD;  
PATTI KAY-CLAPPER;  
MICK IRELAND;  
MICHAEL OWSLEY,  
Individually and in their official capacity;  
PLANNING AND ZONING COMMISSION OF THE TOWN OF  
BASALT, BASALT, STATE OF COLORADO,

Defendants.

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**ORDER**

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Upon consideration of the Stipulation [160], filed on September 11, 2009, it is

ORDERED that:

1. The Pitkin County Defendants are barred from asserting the affirmative defense of failing to join George Newman and Rachel Richards as necessary and indispensable parties.
2. The withdrawal of the Plaintiffs' Motion for Joinder of Additional Defendants is granted.

DATED this 15<sup>th</sup> day of September, 2009.

BY THE COURT:  
s/Richard P. Matsch

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Richard P. Matsch, Senior District Judge