

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
LEWIS T. BABCOCK, JUDGE

Civil Case No. 06-cv-02148-LTB-BNB

DARRELL FORTNER, and  
JENNIFER FORTNER, d/b/a Diamond/Dundee Tree Service,

Plaintiffs,

v.

ATF AGENTS DOG 1, CAT 2, AND HORSE 3,  
THE CITY OF COLORADO SPRINGS,  
MAYOR LIONEL RIVERS, individually and in his official capacity as Mayor of Colorado Springs,  
CO,  
KATHRYN YOUNG, individually and in her official capacity as City Clerk of Colorado Springs,  
CO,  
DARREL PEARSON, individually and in his official capacity as City Forrester of ,Colorado  
Springs, CO,  
JAMES A. CHOATE, individually and in his official capacity as Sergeant for El Paso County  
Sheriff's Office,  
TERRY MAKETA, individually and in his official capacity as Sheriff for El Paso County Sheriff's  
Office,  
SHANE WHITE, individually and in his official capacity as Asst. City Attorney for the City of  
Colorado Springs, CO, and  
JAMES E. MCGANNON, individually and in his official capacity as City Forrester for the City of  
Colorado Springs, CO,

Defendants.

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ORDER

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As further set forth on the record at the status hearing held on February 24, 2011, IT IS  
HEREBY ORDERED that:

1. The Amended Motion to Withdraw as Attorney of Record, filed by Plaintiffs' counsel  
of record – Victoria Ringler – on February 16, 2011 is GRANTED [**Doc #389**];

2. The “Motion for Substitution of Attorney” filed by Plaintiffs Darrell Fortner & Jenniffer Fortner [**Doc #391**] is GRANTED IN PART to the extent that Victoria Ringler is ORDERED to mail to Plaintiffs, via United States Mail at her expense, the file related to this matter by the end of the day on February 24, 2011. The remainder of the relief requested is DENIED AS MOOT or for LACK OF JURISDICTION; and

3. The Scheduling Order dated February 26, 2008 [**Doc # 150**] is deemed no longer valid. As such, the parties SHALL proceed to Magistrate Judge Boyd N. Boland’s chambers to schedule a Fed. R. Civ. P. 16 scheduling conference.

Dated: February 24, 2011 in Denver, Colorado.

BY THE COURT:

s/Lewis T. Babcock  
LEWIS T. BABCOCK, JUDGE