

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
Magistrate Judge Boyd N. Boland

Civil Action No. 06-cv-02148-BNB-MEH

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

Plaintiffs,

v.

KATHY YOUNG, individually and in her official capacity as City Clerk of C/S,  
DARREL PEARSON, individually and in his official capacity as City Forrester of C/S,  
JAMES A. CHOATE, in his individual capacity as Sergeant for El Paso County Sheriff's Office,  
TERRY MAKETA, in his individual capacity as Sheriff of El Paso County, Colorado, 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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This matter arises on two motions:

(1) **Motion for Withdrawal of Counsel** [Doc. #501, filed 09/12/2012] by Kenny

Hodges of the Office of the City Attorney of Colorado Springs; and

(2) **County Defendants' Motion for Use of NCIC and CCIC Criminal Data as Trial**

**Exhibits** [Doc. #506, filed 10/05/2012].

The Motion for Withdrawal of Counsel [Doc. # 501] is GRANTED. Shane White shall remain as counsel for defendants Young, Pearson, and McGannon.

The County Defendants' Motion for Use of NCIC and CCIC Criminal Data as Trial Exhibits [Doc. # 506] is DENIED WITHOUT PREJUDICE. The County Defendants may raise the issue at trial if necessary.

Dated October 15, 2012.

BY THE COURT:

s/ Boyd N. Boland  
United States Magistrate Judge