

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

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

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

Plaintiffs,

v.

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,  
DARRELL PEARSON, individually and in his official capacity as City Forrester of Colorado Springs, CO,  
JAMES A. CHOATE, in his individual capacity,  
TERRY MAKETA, in his individual capacity,  
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 the following:

- (1) **Plaintiffs' [Pro Se] Motion for Substitution of Attorney, Motion for Extension of Time to File Plaintiff's Motion In Limine, and Motion to Reset the Trial Date** [Doc. # 515, filed 12/11/2012] (the "Pro Se Motion");
- (2) **Unopposed Motion to Withdraw as Attorney of Record** [Doc. # 516, filed 12/11/2012] (the "Motion to Withdraw"); and
- (3) **City Defendants' Motion to Enforce Settlement Agreement** [Doc. # 518, filed 12/12/2012] (the "Motion to Enforce Settlement").

I held a hearing on these motions this morning and made rulings on the record. For the reasons stated on the record:

IT IS ORDERED:

- (1) The Pro Se Motion [Doc. # 515] is STRICKEN;
- (2) The Motion to Withdraw [Doc. # 516] is GRANTED. Erhard Fitzsimmons of Erhard Fitzsimmons, P.C., is relieved of any continuing responsibility in the case. Darrell and Jennifer Fortner may proceed pro se, but they are cautioned that they personally are responsible for complying with all applicable rules and court orders;
- (3) The Motion to Enforce Settlement [Doc. # 518] is set for an evidentiary hearing on January 7, 2013, at 9:00 a.m., in Courtroom 401, 4th floor, Alfred A. Arraj United States Courthouse, 901 19th Street, Denver, Colorado. The parties shall be prepared to present evidence at that time. The County Defendants may reply in support of the Motion to Enforce Settlement on or before December 24, 2012. The parties shall submit to the court and serve by hand delivery on or before January 3, 2013, at 5:00 p.m., all exhibits they plan to introduce at the hearing; and
- (4) The trial set to begin on January 7, 2013, is VACATED, to be reset at a later date.

Dated December 17, 2012.

BY THE COURT:

s/ Boyd N. Boland  
United States Magistrate Judge