

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

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

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

Plaintiffs,

v.

KATHRYN YOUNG, individually as City Clerk of C/S,
DARREL PEARSON, individually as City Forrester of C/S, and
JAMES E. MCGANNON, individually as City Forrester for the City of Colorado Springs, CO,

Defendants.

MINUTE ORDER

Entered By Magistrate Judge Nina Y. Wang

This civil action comes before the court on Plaintiffs Darrell Fortner and Jennifer Fortner's ("Plaintiffs") Motion for the Return of Plaintiff's Exhibits ("Motion"). [#610 filed February 20, 2015]. The pro se Plaintiffs ask the court to return to them the exhibits they submitted for a hearing on April 15, 2013 (the "hearing") and an audio tape submitted to the court on March 18, 2013.

The Motion is DENIED IN PART and GRANTED IN PART:

1. The Motion [#610] is DENIED as to Plaintiffs' request regarding the exhibits submitted for the hearing. The court previously denied an identical motion in an Order dated November 18, 2013, and directed the Clerk of Court to scan into the Electronic Case File all exhibits from the hearing. [#603]. The Clerk subsequently scanned those materials and they are available for reference on this civil docket at No. 604 and No. 605.
2. The Motion is GRANTED as to Plaintiffs' request regarding the audio tape. Plaintiffs may retrieve the cassette from the Clerk's Office during normal business hours, generally Monday through Friday from 8:00 a.m. until 5:00 p.m.

DATED: March 12, 2015