

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
Senior District Judge Richard P. Matsch**

Date: March 3, 2010  
Courtroom Deputy: J. Chris Smith  
FTR Technician: Kathy Terasaki

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Civil Action No. 08-cv-00039-RPM

S. R. , by his parent and next of friend, ASCENCION RIVERA,  
  
Plaintiff,

Ingrid J. DeFranco  
John K. Pineau

v.

SCHOOL DISTRICT NO. 1, DENVER COLORADO,  
a/k/a DENVER PUBLIC SCHOOLS,  
SCHOOL DISTRICT NO. 1, BOARD OF EDUCATION,  
a/k/a DENVER PUBLIC SCHOOLS BOARD OF EDUCATION,  
LINDA TORRES, individually and  
in her official capacity as Principal of Horace Mann Middle School,  
SHAUN ELLIS, individually and  
in his capacity as Denver Public School Employee,  
SANDY BACA-SANDOVAL, individually and  
in her capacity as Supervisor of Shaun Ellis and  
MICHAEL BENNETT, in his capacity as the Superintendent of Denver Public Schools,  
Employer of Shaun Ellis, Linda Torres and Sandy Baca-Sandoval,

Michael B. Case  
Holly E. Ortiz

*Pro Se - Present*  
Michael Ellis (Father)

Defendants.

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**COURTROOM MINUTES**

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**Hearing on Motion for Summary Judgment**

**2:00 p.m. Court in session.**

Plaintiff S.R. present.

Court's preliminary remarks.

Mr. Pineau confirms no objection to the dismissal of defendant Shaun Ellis.

**ORDERED: Motion to Dismiss Defendant Shaun Ellis in His Individual Capacity, filed September 8, 2009 [45], is granted and is dismissed as a defendant.**

Court's summary of case facts.

2:10 p.m. Argument by Mr. Case.

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2:29 p.m. Argument by Ms. DeFranco.  
2:44 p.m. Rebuttal argument by Mr. Case.

Ms. DeFranco answers questions asked by the Court.

**ORDERED: School District Defendants' Motion for Summary Judgment, filed June 1, 2009 [38], is taken under advisement.**

**2:54 p.m. Court in recess.**

Hearing concluded. Total time: 54 min.