

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

Date: July 28, 2009
Courtroom Deputy: J. Chris Smith
FTR Technician: Kathy Terasaki

Civil Action No. 08-cv-00543-RPM

JILES THERON BENNETT,

Plaintiff,

Richard L. Tegtmeier

v.

OFFICE OF EL PASO COUNTY SHERIFF,
EL PASO COUNTY SHERIFF TERRY MAKETA,
individually and in his capacity as Sheriff for El Paso County,
EL PASO COUNTY SHERIFF'S DEPUTY JEROME MERCADO-VARGAS,
individually and in his capacity as Deputy Sheriff for El Paso County,

Jessica K. Muzzio
Gordon L. Vaughan

Defendants

COURTROOM MINUTES

Hearing on Combined Motion to Dismiss and for Summary Judgment

9:58 a.m. Court in session.

Court's preliminary remarks.

Mr. Tegtmeier states the claims against the Sheriff are as an office not as an individual and the state law claims are withdrawn.

Court states its understanding of the case.

ORDERED: Fourth Claim for Relief State Law Claims are withdrawn.

10:04 a.m. Argument by Ms. Muzzio.

ORDERED: Defendants' Combined Motion to Dismiss and Motion for Summary Judgment, filed May 1, 2009 [43], is denied.

ORDERED: 5 day trial to jury set January 11, 2010 at 8:30 a.m.

Statements by Mr. Tegtmeier regarding plaintiff's claim for medicals / injuries.

ORDERED: Proposed agreed pretrial order to be submitted directly to chambers by 4:00 p.m. December 18, 2009.

10:30 a.m. Court in recess. Hearing concluded. Total time: 32 min.