

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 08-cv-01503-RBJ

JIMMY MARTINEZ,
DAVE CASTELLANO,
YOLONDA GOAD-CUNNINGHAM,
DEAN GONZALES,
JORGE HERNANDEZ,
GEORGE HERRERA,
TAMMY HURTADO,
KIMBERLY LOVATO,
LEONARD MARES,
JOHN MARTINEZ,
ANNE MONTOYA-WOODS,
JOE RODARTE,
DANIEL ROJAS,
DEAN ABEYTA,
REYES TRUJILLO, and
RUFINO TRUJILLO,

Plaintiffs,

v.

CITY AND COUNTY OF DENVER, and
THE DENVER POLICE DEPARTMENT,

Defendants.

FINAL JUDGMENT

PURSUANT to and in accordance with Fed. R. Civ. P. 58(a) and the orders entered in this case, FINAL JUDGMENT is entered.

I. Pursuant to the Order #[68] entered by Judge Philip A. Brimmer on March 31, 2010, which order is incorporated by reference,

IT IS ORDERED that the defendants' Motion to Dismiss, or in the Alternative for Summary Judgment, as to the Claims of Plaintiffs Dave Castellano, Tammy Hurtado, John W.

Martinez, Anne Montoya-Woods, and Joseph Rodarte [Docket No. 10] is GRANTED in part and DENIED in part. All claims asserted by plaintiffs Tammy Hurtado, John W. Martinez, Anne Montoya-Woods, and Joe Rodarte are dismissed. The claims asserted by plaintiff Dave Castellano, however, are permitted to proceed. It is

FURTHER ORDERED that defendants' Motion to Dismiss, or in the Alternative for Summary Judgment, on Behalf of Denver Police Department [Docket No. 66] is GRANTED. All claims against defendant Denver Police Department are dismissed.

II. Pursuant to the Order #[100] entered by Judge R. Brooke Jackson on December 5, 2011, which order is incorporated by reference,

IT IS ORDERED that Defendant's Motion to Dismiss Dave Castellano, George Herrera, Adam Hernandez and Rufino Trujillo for Failure to Comply with September 23, 2011 Court Order #[97] is GRANTED.

III. Pursuant to the Minute Order #[101] entered by Judge R. Brooke Jackson on December 6, 2011 and Defendant's Response to December 6, 2011 Minute Order #[102] filed on December 8, 2011,

IT IS ORDERED that Rufino Trujillo, Dave Castellano and George Herrera are TERMINATED.

IV. Pursuant to the Order #[136] entered by Judge R. Brooke Jackson on September 5, 2012, which order is incorporated by reference,

IT IS ORDERED that Defendant's motion for summary judgment as to Mr. Abeyta [#107] is GRANTED, and his claims are DISMISSED WITH PREJUDICE. It is

FURTHER ORDERED that Defendant's motion for summary judgment as to Mr.

Martinez [#108] is GRANTED, and his claims are DISMISSED WITH PREJUDICE. It is

FURTHER ORDERED that Defendant's motion for summary judgment as to Mr. Mares [#109] is GRANTED, and his claims are DISMISSED WITH PREJUDICE. It is

FURTHER ORDERED that Defendant's motion for summary judgment as to Mr. Trujillo [#110] is GRANTED, and his claims are DISMISSED WITH PREJUDICE. It is

FURTHER ORDERED that Defendant's motion for summary judgment as to [#111] is GRANTED IN PART and DENIED IN PART. The Court grants defendant's motions in their entirety as to plaintiffs Dean Gonzales, Kimberly Lovato, and Yolanda Goad-Cunningham. The Court GRANTS in part and DENIES in part defendant's motion regarding Mr. Rojas. The Court GRANTS defendant's motion as to claims two, three, and four with respect to Mr. Rojas but DENIES the motion as to claim one. Mr. Rojas' claim for Title VII discrimination may proceed.

V. This matter was tried before a jury of seven, duly sworn, commencing September 12, 2012 and reaching a verdict September 14, 2012. Pursuant to the verdict of the jury #[143-7] filed September 14, 2012, it is

ORDERED that Plaintiff Daniel Rojas did not prove by a preponderance of the evidence the elements of his claim for national origin or race discrimination as set forth in Instruction No. 8.

ACCORDINGLY, it is hereby ORDERED that final judgment is entered for the defendants and against the plaintiffs, in accordance with the entirety of the orders entered in this case. It is

FURTHER ORDERED that defendants are AWARDED their costs, to be taxed by the clerk of the court under Fed. R. Civ. P. 54(d)(1) and D.C.COLO.LCivR 54.1.

DATED at Denver, Colorado September 18th, 2012.

FOR THE COURT:

JEFFREY P. COLWELL, CLERK

By s/ Edward Butler

Edward P. Butler

Deputy Clerk