

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 08-cv-02421-CMA-CBS

MICHAEL MAROTTA,  
Plaintiff,

v.

CORTEZ, individually and in his official capacity as a Denver Police Officer,  
BLACK, individually and in her official capacity as a Denver Police Officer,  
ROCCO-MCKEEL, individually and in his official capacity as a Denver Police Officer,  
THE DENVER POLICE DEPARTMENT,  
THE CITY AND COUNTY OF DENVER, and  
PATRICK SORAN, a private individual,  
Defendants.

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ORDER

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Magistrate Judge Craig B. Shaffer

This civil action comes before the court on Mr. Marotta's "Motion to Leave to File Fourth Amended Complaint" (filed February 24, 2009) (doc. # 38). Pursuant to the Order of Reference dated November 12, 2008 (doc. # 10) and the memorandum dated February 24, 2008 (doc. # 40), the Motion was referred to the Magistrate Judge.

At the hearing held on February 17, 2009, the court granted Mr. Marotta permission to file his Fourth Amended Complaint and directed Defendants to answer or otherwise respond to the Fourth Amended Complaint within twenty (20) days of its filing. Accordingly, IT IS ORDERED that:

1. Mr. Marotta's "Motion to Leave to File Fourth Amended Complaint" (filed February 24, 2009) (doc. # 38) is DENIED as unnecessary.
2. The Fourth Amended Complaint (doc. # 39) is accepted for filing as of

February 24, 2009.

3. Defendants Cortez, Black, the Denver Police Department, and the City and County of Denver may answer or otherwise respond to the Fourth Amended Complaint **on or before March 17, 2009**.

4. Mr. Marotta is responsible for serving the summons and Fourth Amended Complaint on Defendants Rocco-McKeel and Soran, who have not been previously named in or served with this civil action, **on or before March 17, 2009**.

5. Defendants Rocco-McKeel and Soran shall answer or otherwise respond to the Fourth Amended Complaint **within twenty (20) days after service** of the summons and Fourth Amended Complaint on them.

DATED at Denver, Colorado, this 25th day of February, 2009.

BY THE COURT:

s/Craig B. Shaffer  
United States Magistrate Judge