

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Honorable Marcia S. Krieger

Civil Action No. 09-cv-00409-MSK-MJW

SHARON KERR, an individual; and
COLORADO CROSS-DISABILITY COALITION, a Colorado Non-profit Corporation,

Plaintiffs,

v.

THE HEATHER GARDENS ASSOCIATION, a Colorado Corporation; and
HEATHER GARDENS METROPOLITAN DISTRICT, a Colorado Metropolitan District,

Defendants.

**ORDER GRANTING STIPULATED MOTION TO DISMISS PLAINTIFFS'
PUNITIVE DAMAGES CLAIM AGAINST
DEFENDANT HEATHER GARDENS METROPOLITAN DISTRICT**

THIS MATTER comes before the Court on the Stipulated Motion to Dismiss Plaintiffs' Punitive Damages Claim against Defendant Heather Gardens Metropolitan District (#16), filed May 20, 2009. Having reviewed the Motion,

IT IS ORDERED that the Motion is **GRANTED**. This Court hereby dismisses Plaintiffs' punitive damages claim alleged against the Defendant Heather Gardens Metropolitan District in the Second Claim for Relief of Plaintiffs' Complaint, with the parties to bear their own costs, expenses and fees incurred with respect to the alleged punitive damages claim against the Defendant Heather Gardens Metropolitan District. **Nothing herein shall in any way affect the Plaintiffs' alleged claims against any other Defendants or which are not hereby dismissed nor the remainder of the Plaintiffs' Second Claim for Relief against the District.**

DATED this 21st day of May, 2009.

BY THE COURT:

Marcia S. Krieger

Marcia S. Krieger
United States District Judge