

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

**Civil Action No. 09-cv-02197-RPM
(Consolidated with 10-cv-00629-RPM)**

**NATHAN ACKS;
TIFFANY BRAY;
CHASE GOLL;
ELI HARDY;
AMINAH MASUD;
IAN MORRISON;
BLAKE PENDERGRASS;
KIM SIDWELL; and
JACOB STERNBERG**

Plaintiffs,

v.

**CITY AND COUNTY OF DENVER;
DEBORAH DILLEY, a Commander with the Denver Police Department, in her
individual capacity;
JOHN DOE, whose true name is currently unknown, in his individual capacity;
ANTHONY FOSTER, a Sergeant with the Denver Police Department, in his
individual capacity;
ANTHONY MARTINEZ, a Sergeant with the Denver Police Department, in his
individual capacity; and
WILLIAM LOVINGIER, Undersheriff with the Denver Police Department, in his
individual capacity;**

Defendants.

**ORDER GRANTING
PLAINTIFFS' MOTION FOR CLASS CERTIFICATION**

This matter is before the Court on Plaintiffs' Motion for Class Certification on their third claim for relief for violation of C.R.S. § 16-3-404(1). Having been fully briefed and oral argument conducted, this Court GRANTS Plaintiffs' Motion.

The class certified by this Court is defined as follows: “All individuals arrested on the evening of August 25, 2008, on 15th Street between Court and Cleveland Place in downtown Denver who were subsequently detained and refused access to counsel at Denver’s Arrest Processing Site in violation of C.R.S. § 16-3-404(1).” The proposed class will be certified pursuant to Fed.R.Civ.P. 23(b)(2). Consequently, at this time, no notice will be sent to the class regarding this Order.

Dated this 26th day of August, 2010.

BY THE COURT:

s/Richard P. Matsch

Richard P. Matsch, Senior District Judge