

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 10-cv-00609-PAB-MEH

THE INDEPENDENCE INSTITUTE,  
JON CALDARA,  
DENNIS POLHILL,  
JESSICA CORRY,  
MASON TVERT,  
RUSSELL HAAS,  
DOUGLAS CAMPBELL,  
LOUIS SCHROEDER,  
SCOTT LAMM,  
DANIEL KENNEDY, and  
ALBIE HURST,

Plaintiffs,

v.

SCOTT GESSLER, in his official capacity as Colorado Secretary of State,

Defendant.

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**MINUTE ORDER**

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**Entered by Michael E. Hegarty, United States Magistrate Judge, on July 28, 2011.**

Defendant Secretary's Motion to Strike Plaintiffs' Witnesses Chavez and Jacobs [filed July 21, 2011; docket #219] is **denied as moot**. In their response, Plaintiffs voluntarily withdraw the two affidavits submitted by the two witnesses at issue, Charles Chavez and Andy Jacobs, in support of their response to Defendant's motion for summary judgment, as well as voluntarily withdraw these two witnesses from the proposed final pretrial order. The Court accepts this withdrawal. Accordingly, Charles Chavez and Andrew Jacobs are hereby withdrawn from the proposed final pretrial order at pages 18 and 19 of docket #192, and these two witnesses' affidavits are hereby withdrawn from Plaintiff's response, located at dockets ##164-22 and 164-24.