

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

Civil Action No. 11-cv-00112-REB-BNB

HEIDI JEWKES, and
NATASHA SWENSON,

Plaintiffs,

v.

C.O. THEODORE SHACKLETON, Correctional Officer at the Denver Women's
Correctional Facility, in his individual capacity,

Defendant.

FINAL JUDGMENT

In accordance with Fed. R. Civ. P. 58(a) and the orders entered during the pendency of this case, the following **Final Judgment** is hereby entered.

A. Pursuant to the **Amended Order Re: Defendant's Motion for Summary Judgment** [#63] entered by Judge Robert E. Blackburn on July 23, 2012,

IT IS ORDERED as follows:

1. That the Defendant's Motion for Summary Judgment [#38] filed December 22, 2011, is **GRANTED IN PART** and **DENIED IN PART** as follows:

a. The motion is **GRANTED** with respect to plaintiff Nicole Montoya's claims set forth in her Second Amended Complaint and Demand for Jury Trial [#35], filed October 14, 2011, and those claims are **DISMISSED WITHOUT PREJUDICE** under 42 U.S.C. § 1997e;

b. The motion is **GRANTED** with respect to plaintiff Adeline Roybal's claims set

forth in her Second Amended Complaint and Demand for Jury Trial [#35], filed October 14, 2011, and those claims are **DISMISSED WITHOUT PREJUDICE** under 42 U.S.C. § 1997e;

c. The motion is **GRANTED** with respect to plaintiff Nicole Morris's claims set forth in her Second Amended Complaint and Demand for Jury Trial [#35], filed October 14, 2011, and those claims are **DISMISSED WITHOUT PREJUDICE** under 42 U.S.C. § 1997e;

d. The motion is **DENIED** with respect to the claims of Heidi Jewkes and Natasha Swenson set forth in their Second Amended Complaint and Demand for Jury Trial [#35], filed October 14, 2011; and

2. That **JUDGMENT IS ENTERED** in favor of defendant, Theodore Shackleton, against plaintiffs Adeline Roybal, Nicole Montoya, and Nicole Morris as to their claims set forth in Second Amended Complaint and Demand for Jury Trial [#35] filed October 14, 2011; provided, that the Judgment as to these claims is **WITHOUT PREJUDICE**.

B. This matter proceeded to trial before a jury of nine, duly sworn, commencing on August 6, 2012. In accordance with the verdicts [#80-7 and #80-8] of the jury on August 8, 2012 and the **Order Denying Defendant's Renewed Motion for Judgment as a Matter of Law** [#84] entered by Judge Robert E. Blackburn on October 29, 2012, which verdict and order are incorporated herein by this reference,

IT IS ORDERED as follows:

1. That defendant Theodore Shackleton's motion for judgment as a matter of law under FED. R. CIV. P. 50, which was asserted in open court at the close of the evidence during the trial of this case, is **DENIED**;

2. That **JUDGMENT IS ENTERED** in favor of the plaintiffs, Heidi Jewkes and Natasha Swenson, and against the defendant, Theodore Shackleton, as to the plaintiff's claims for damages under the Eighth Amendment, as found by the jury in this case, whose verdicts were read into the record in open court on August 8, 2012 (**see Courtroom Minutes** [#80-7 & #80-8] filed August 8, 2012; and specifically:

a. The jury's verdict awarded damages in the amount of **\$1,000.00** to plaintiff Heidi Jewkes and against defendant Theodore Shackleton;

b. The jury's verdict awarded damages in the amount of **\$1,000.00** to plaintiff Natasha Swenson and against defendant Theodore Shackleton.;

3. That the plaintiffs are **AWARDED** their costs, to be taxed by the Clerk of the Court pursuant to Fed. R. Civ. P. 54(d)(1) and D.C.COLO.LCivR 54.1.

4. Post-judgment interest shall accrue on the judgment amounts awarded at the rate of 0.18% from the date of entry of judgment.

DATED at Denver, Colorado, November 2, 2012.

FOR THE COURT:

JEFFREY P. COLWELL, CLERK

By: s/Edward P. Butler
Edward P. Butler
Deputy Clerk

APPROVED BY THE COURT:


Robert E. Blackburn
United States District Judge