

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 11-cv-00303-RBJ-MEH

ST. PAUL SOBER LIVING, LLC,
CHRIS EDRINGTON,
DONALD EDRINGTON,
ADAM TIPTON, and
ALEX COLINS,

Plaintiffs,

v.

GARFIELD COUNTY, BOARD OF COUNTY COMMISSIONERS, and
SPRING VALLEY SANITATION DISTRICT,

Defendants.

AMENDED FINAL JUDGMENT

PURSUANT to and in accordance with Fed. R. Civ. P. 58(a) and (b) and the orders entered in this case, the following FINAL JUDGMENT is entered.

I. Pursuant to oral rulings made by the court on December 20, 2012, on the third day of the jury trial, which order is incorporated by reference,

IT IS ORDERED that the Plaintiffs' Second Claim, alleging discrimination under the Americans with Disabilities Act, is DISMISSED. The ADA claims and the retaliation claims of plaintiffs Alex Collins and Adam Tipton are MOOT. It is

FURTHER ORDERED that defendant's motions to dismiss Donald Edrington's FHA claim and the retaliation claim of St. Paul Sober Living are DENIED.

II. This matter was tried before a jury of seven, duly sworn, commencing December 18, 2012 and reaching a verdict December 21, 2012. Pursuant to the verdict

of the jury #[149-9] filed December 21, 2012, it is ORDERED, with respect to the Plaintiffs' First Claim alleging violation of the federal Fair Housing Act, that

- the Plaintiffs proved by a preponderance of the evidence that the handicap of the residents of the sober house in Elk Springs, Garfield County, Colorado was a motivating factor for the Board of County Commissioners' application of the zoning code.
- Plaintiff St. Paul Sober Living, LLC proved its retaliation claim by a preponderance of the evidence.
- Plaintiffs Chris Edrington and Donald Edrington did not prove their retaliation claim by a preponderance of the evidence.
- Defendant's discriminatory conduct proximately caused money damages to St. Paul Sober Living, LLC. The amount of money damage that was proximately caused by defendant's discrimination as to St. Paul Sober Living, LLC was \$400,000.00, and judgment in that amount is entered on that verdict.
- Defendant's discriminatory conduct did not proximately cause money damages to Chris Edrington, Donald Edrington, Adam Tipton and Alex Colins, and nominal damages of \$1.00 each are awarded to these individuals.

III. Pursuant to the Order on Post-Trial Motions and the Order on Permanent Injunction, both entered on September 17, 2013 by Judge R. Brooke Jackson, such orders being incorporated by reference, IT IS ORDERED that:

- A. Defendant's Motion for Judgment as a Matter of law [#163] is DENIED.
- B. Plaintiffs' Motion for Attorney's Fees and Litigation Expenses[#165]:
GRANTED IN PART and DENIED IN PART. Accordingly, the pending motion is denied, without prejudice, as to the amount, subject to agreement of the parties or, if necessary, by plaintiffs' filing a motion for the determination of the amount of attorney's fees.
- B. Plaintiffs' Motion for Review of Taxation of Costs [#174] is GRANTED, as is Plaintiffs' Motion to Correct or Modify the Final Judgment [#179].
Accordingly, the plaintiffs, as the prevailing parties, are entitled to an award of costs, pursuant to Fed. R. Civ. P. 54(d)(1) and D.C.Colo.LCivR 54.1, and the total costs awarded to plaintiffs is \$10,600.70, as specifically enumerated in the Order on Post-Trial Motions.
- C. The Court permanently enjoins the Board of Directors of Garfield County, and its officers, agents, servants, employees, representatives, attorneys, and all other individuals or agencies working under the direction or supervision of the Board, from enforcing its zoning code or other land use rules or regulations in a manner that discriminates against the owners, operators or residents of the sober house located at 31 Elk Springs Drive, Glenwood Springs, Colorado because of the handicaps of the residents.
This order includes, but is not limited to, discriminatory or retaliatory actions based upon the sober house's having multiple residents, up to ten residents at any one time including one supervisor; interfering with the sober house's desire to remain at its present location; and any other

conduct that coerces, intimidates, threatens or otherwise interferes with the ability of the sober house and its residents in the exercise and enjoyment of their rights under the Fair Housing Act.

ACCORDINGLY, it is hereby ORDERED that final judgment is entered for the Plaintiffs St. Paul Sober Living, LLC, Chris Edrington, Donald Edrington, Adam Tipton and Alex Colins and against Defendant Garfield County Board of County Commissioners.

DATED at Denver, Colorado, this 8th day of October, 2013.

FOR THE COURT:

JEFFREY P. COLWELL, CLERK

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

Approved as to form:

s/ Brooke Jackson

U.S. District Judge R. Brooke Jackson