

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Robert E. Blackburn**

Civil Case No. 11-cv-00312-REB-MEH

BETTIE WEATHERSPOON, individually and on behalf of all others similar situated,

Plaintiff,

v.

ROHN DAVID MILLER,
GIZELA MILLER,
RACHEL BLANDIN,
ANTHONY BLANDIN,
BRETTLEY EVANS,
MICHAEL WILSON,
WASSIM HALABI,
PROVINCETOWNE MASTER OWNERS ASSOCIATION, INC., a Colorado not for profit
corporation,
CHARLES KAINE,
KRISTA MALONEY,
STAN WITKOWSKI,
KYLE PERCY,
JEFFERY WARREN,
MSI, LLC, a Colorado limited liability corporation,
TODD FACKLER,
KATHLEEN LORA,
RANDY HEGWOOD,
LAUREN JACQUES,
HINDMANSANCHEZ PC, a Colorado corporation,
BRIAN E. MARTIN,
DEBRA J. OPPENHEIMER,
LOURA K. SANCHEZ,
WILLIAM H. SHORT,
MOLLY C. LUCAS,
COOPER & DORANCY, LLC, a Colorado limited liability company,
RENEE V. COOPER,
DONALD R. RICE,
JILL DORANCY-WILLIAMS,
ANDREW E. EVANS, JR.,
DAVID PAUL SMITH,
ALL PROPERTY SERVICES, INC., a Colorado limited liability company,
KIRSTEN MCKAY, and
JOHN DOES 1 THROUGH 99,

Defendants.

ORDER DISMISSING CASE

Blackburn, J.

This matter is before me on the plaintiff's **Motion To Withdraw All Claims From All Defendants** [#46]¹ filed May 2, 2011. The defendants associated with defendant, HindmanSanchez, P.C., filed a response [#48]. I grant the motion on the terms stated in this order.

I have construed the plaintiff's filings generously and with the leniency due *pro se* litigants. **See *Erickson v. Pardus***, 551 U.S. 89, 94 (2007); ***Andrews v. Heaton***, 483 F.3d 1070, 1076 (10th Cir. 2007); ***Hall v. Belmon***, 935 F.2d 1106, 1110 (10th Cir. 1991) (citing ***Haines v. Kerner***, 404 U.S. 519, 520-21 (1972)).

This case is the third case that the plaintiff, Bettie Weatherspoon, has filed concerning a dispute she has with her former neighbors, a homeowners association, and others associated with the homeowners association. The previous two cases are identified as (1) ***Provincetowne Master Owners Association, Inc. v. Weatherspoon***, Case No. F08C475, County Court, Larimer County, Colorado; and (2) ***Weatherspoon v. Provincetowne Master Owners Association, Inc., and MSI, LLC.***, Civil Action No. 08-cv-02754-MSK-KLM, United States District Court, District of Colorado. After a trial in the Larimer County case, the state county court resolved all of the claims of the homeowners associations against Weatherspoon in favor of the homeowners

¹ “[#46]” is an example of the convention I use to identify the docket number assigned to a specific paper by the court's case management and electronic case filing system (CM/ECF). I use this convention throughout this order.

association, and resolved all of counterclaims of Weatherspoon against the homeowners association in favor of the homeowners association. *HS Defendants' Motion To Dismiss* [#25] filed April 7, 2011, Exhibit B (order of Larimer County Court). In the previous case in this court, United States District Judge Marcia S. Krieger resolved all of Weatherspoon's claims against the defendants in favor of the defendants, the homeowners association and MSI, LLC. *Id.*, Exhibit A (Opinion and Order Granting Motion for Summary Judgment).

Most of the plaintiff's claims in the case now before this court are based generally on the same factual scenario and are similar otherwise to the claims and counterclaims Weatherspoon asserted in her two previous cases in state and federal court. Without conducting a detailed comparison of the three cases, it is more likely than not that most of the plaintiff's claims in this case are barred by the applicable statute of limitations or by the doctrines of issue preclusion and claim preclusion. In view of the plaintiff's current motion to dismiss all of her claims against all of the named defendants, I conclude that a detailed analysis of these issues is not necessary and that dismissal of this case is appropriate.

However, in view of Weatherspoon's litigious history, I warn Weatherspoon that if she files another case in this court or any other court concerning any of the claims she asserted in this case, in ***Provincetowne Master Owners Association, Inc. v. Weatherspoon***, Case No. F08C475, County Court, Larimer County, Colorado, or in ***Weatherspoon v. Provincetowne Master Owners Association, Inc., and MSI, LLC.***, Civil Action No. 08-cv-02754-MSK-KLM, United States District Court, District of Colorado, then she may subject to sanctions under to Fed.R.Civ.P. 11(b) or other applicable federal rules and statutes and/or state rules and statutes. Such sanctions

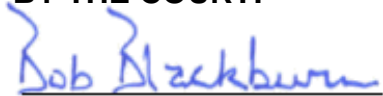
may include, but are not necessarily limited to, monetary sanctions and restrictions on her ability to file further actions in the federal district court. Repetitious litigation of virtually identical causes of action may be dismissed as frivolous or malicious and is a proper basis for the imposition of sanctions against Weatherspoon. **See *Bailey v. Johnson***, 846 F.2d 1019, 1021 (5th Cir. 1988) (per curiam); ***Van Meter v. Morgan***, 518 F.2d 366, 368 (8th Cir. 1975) (per curiam); ***Howard v. Mail-Well Envelope Co.***, 150 F.3d 1227, 1232 (10th Cir. 1998).

THEREFORE, IT IS ORDERED as follows:

1. That the plaintiff's **Motion To Withdraw All Claims From All Defendants** [#46] filed May 2, 2011, is **GRANTED**;
2. That each and all of the plaintiff's claims in this case are **DISMISSED**;
3. That the plaintiff, Bettie Weatherspoon, is hereby **CAUTIONED** and **WARNED** that if she files another case in this court or any other court concerning any of the claims she asserted in this case, in ***Provincetowne Master Owners Association, Inc. v. Weatherspoon***, Case No. F08C475, County Court, Larimer County, Colorado, or in ***Weatherspoon v. Provincetowne Master Owners Association, Inc., and MSI, LLC.***, Civil Action No. 08-cv-02754-MSK-KLM, United States District Court, District of Colorado, then she may be subject to monetary sanctions, restrictions on her ability to file further actions in the federal district court, and other sanctions; and
- 4) That this case is **CLOSED**.

Dated May 25, 2011, at Denver, Colorado.

BY THE COURT:


Robert E. Blackburn
United States District Judge