

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
Judge William J. Martínez**

Civil Action No. 11-cv-00859-WJM-BNB

AMERICAN TRADITION INSTITUTE,  
AMERICAN TRADITION PARTNERSHIP, and  
ROD LUECK,

Plaintiffs,

v.

JOSHUA EPEL, in his official capacity as Chairman of the Colorado Public Utilities Commission,  
JAMES TARPEY, in his official capacity as a Commissioner of the Colorado Public Utilities Commission, and  
PAMELA PATTON, in her official capacity as a Commissioner of the Colorado Public Utilities Commission,

Defendants,

and

ENVIRONMENT COLORADO,  
COLORADO ENVIRONMENTAL COALITION,  
SIERRA CLUB, and  
THE WILDERNESS SOCIETY,

Intervenor-Defendants.

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**ORDER GRANTING JOINT MOTION TO DISMISS CERTAIN PARTIES  
AND ONE CLAIM, AND TO SUBSTITUTE PARTY**

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This matter is before the Court on the parties' Joint Motion to Dismiss Certain Parties and One Claim, and to Substitute Party (the "Joint Motion"). (ECF No. 70.) The parties represent that the Defendant-Intervenors have no objection to the relief sought in the Joint Motion.

In the Joint Motion, Plaintiffs explain that they wish to dismiss their Thirteenth Claim for Relief in this action brought under 42 U.S.C. § 1983, because they no longer

seek monetary damages in this action (although they reserve their right to seek an award of attorneys' fees and costs under 42 U.S.C. § 1983). Therefore, the Court hereby ORDERS that Plaintiffs' Thirteenth Claim for Relief brought under 42 U.S.C. § 1983 is DISMISSED WITH PREJUDICE.

In the Joint Motion, Plaintiffs also explain that they wish to dismiss their claims against Defendants in their individual capacities because they no longer seek monetary damages in this action. Therefore, the Court hereby ORDERS that all claims in this action brought against Defendants in their individual capacities are DISMISSED WITH PREJUDICE.

In the Joint Motion, the parties explain that Pamela Patton has replaced Matt Baker as a Commissioner of the Public Utilities Commission, and accordingly she should be substituted in as a Defendant in this action. Therefore, the Court hereby ORDERS that Pamela Patton is substituted in as a Defendant in this action, and Matt Baker is no longer a Defendant in this action.

In the Joint Motion, Plaintiffs agree to dismiss Defendant Doug Dean from this action. Therefore, the Court hereby ORDERS that all claims against Defendant Doug Dean are DISMISSED WITH PREJUDICE, and Doug Dean is no longer a Defendant in this action.

In accordance with the foregoing, the caption in this action is hereby AMENDED to reflect that the only Defendants in this action are Joshua Epel, James Tarpey, and Pamela Patton, and that the only claims in this action are claims for prospective relief (Claims One through Twelve in the operative Complaint) brought against Defendants in their official capacities as members of the Colorado Public Utilities Commission. All

parties SHALL use the caption above in future filings in this action.

Dated this 22<sup>nd</sup> day of August, 2012.

BY THE COURT:

A handwritten signature in blue ink, appearing to read "William J. Martínez", is written over a horizontal line.

William J. Martínez  
United States District Judge