

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Magistrate Judge Michael E. Hegarty

Civil Action No. 11-cv-01649-MEH-BNB

ROSE A. SANTISTEVAN,

Plaintiff,

v.

CITY OF COLORADO SPRINGS, a municipality;
RICHARD MYERS, in his official capacity as Colorado Springs Chief of Police;
JIMMY RODGERS, in his official and individual capacity;
PHIL GURNETT, in his individual capacity;
JACKSON ANDREWS, in his official and individual capacity;
KEN MOORE, in his individual capacity;
BRIAN MATTISON, in his individual capacity;
OWEN MCCORMACK, in his individual capacity;
JEFFERY KRAMMER, in his individual capacity;
MARCUS MILLER, in his individual capacity;
SCOTT ROBBLEE, in his individual capacity;
JOHN DAVID, in his individual capacity;
JASON HESS, in his individual capacity;
KIMBLE GINGRICH, in his individual capacity; and
OTHER UNKNOWN AGENTS OF THE COLORADO SPRINGS POLICE
DEPARTMENT, in their official and personal capacities,

Defendants.

FINAL JUDGMENT

Pursuant to and 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.

I. Pursuant to the Order on Motions for Summary Judgment entered on February 5, 2013 (Doc. 150) by Magistrate Judge Michael E. Hegarty which is incorporated herein by reference as if fully set forth, it is

ORDERED that the City Defendants' Motion for Summary Judgment (Doc. 126,

filed August 13, 2012) is **GRANTED**. Deputies Miller, Robblee, David, and Kimble, Sergeant Rodgers, Detective Gurnett, Ken Moore, and Brian Mattson are entitled to summary judgment with respect to Plaintiff's excessive force claim. It is

FURTHER ORDERED that the County Defendants' Motion for Summary Judgment Pursuant to Fed. R. Civ. P. 56(c) [filed August 31, 2012; docket #127] is GRANTED IN PART and DENIED IN PART as stated in the Court's order.

II. Pursuant to the Order entered on July 2, 2013 (Doc. 168) by Magistrate Judge Michael E. Hegarty which is incorporated herein by reference as if fully set forth, it is

ORDERED that pursuant to the Stipulation for Dismissal With Prejudice as to Defendants Owen McCormack and Jeffery Kramer [filed June 28, 2013; docket #166], Defendants Owen McCormack and Jeffery Kramer are hereby dismissed with prejudice.

It is

FURTHER ORDERED that because these are the last remaining Defendants in this action, each side shall bear her or its owns costs and fees, and the case is closed.

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

FOR THE COURT:

JEFFREY P. COLWELL, CLERK

By: s/ Edward P. Butler
EDWARD P. BUTLER,
Deputy Clerk