

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 11-cv-01769-RBJ-CBS

DARRYL RICHMOND,

Plaintiff,

v.

KEN GREENE,
CITY AND COUNTY OF DENVER,
ISS FACILITY SERVICES, INC.,
STEVE MASSA,
GREGORIO MATA,
MATT CONWAY, and
SHERRY GRAMS

Defendants.

FINAL JUDGMENT

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

I. Pursuant to the oral ruling at the Trial Preparation Conference #[136] held before Judge R. Brooke Jackson on August 31, 2012, which order is incorporated by reference,

IT IS ORDERED that the Magistrate Judge's Recommendation Re: Doc. No. 81 (Filed May 17, 2012; Doc. No. 105) is ADOPTED. As per the recommendation, the Motion To Dismiss Plaintiff's Second Amended Complaint (ECF#67) Based On Qualified Immunity (Filed April 6, 2012; Doc. No. 81) is GRANTED as to the second claim for relief which asserts a Fourteenth Amendment violation of the Equal Protection Clause.

II. Pursuant to the Order Dismissing All Claims Against Defendants ISS Facility Services, Inc, Steven Massa, and Gregorio Mata #[95] entered by Judge R. Brooke Jackson on

April 27, 2012, which order is incorporated by reference,

IT IS ORDERED that all claims against defendants ISS, Massa, and/or Mata are hereby dismissed with prejudice. Each party shall bear its own costs and attorneys' fees.

III. Pursuant to the Order #[149] entered by Judge R. Brooke Jackson on September 14, 2012, which order is incorporated by reference,

IT IS ORDERED that the Unopposed Motion for Order Dismissing with Prejudice Defendants Ken Greene, Matt Conway and Sherry Grams in Their Individual Capacities and Certification of Compliance with D.C.COLO.LCivR. 7.1(A) #[148] is GRANTED. Plaintiff's claims against defendants Ken Greene, Matt Conway and Sherry Grams, all in their individual capacities, are DISMISSED WITH PREJUDICE.

IV. Pursuant to the oral ruling at the Jury Trial- Day Three #[156] held before Judge R. Brooke Jackson on September 19, 2012, which order is incorporated by reference,

IT IS ORDERED that Defendant's oral motion for entry of judgment pursuant to rule 50(a)(1) is GRANTED to the extent that plaintiff's claims against Defendants Ken Greene, Sherry Grams and Matt Conway are DISMISSED as defendants in their official capacity.

V. This matter was tried before a jury of seven, duly sworn, commencing September 17, 2012 and reaching a verdict September 20, 2012. Pursuant to the verdict of the jury #[157-9] filed September 20, 2012, it is

ORDERED that Plaintiff Darryl Richmond did not prove by a preponderance of the evidence the elements of his claim for First Amendment retaliation as set forth in Instructions No. 3 and 4. It is

FURTHER ORDERED that Plaintiff Darryl Richmond did not prove by a preponderance

of the evidence the elements of his claim for retaliation in violation of Title VII and/or C.R.S. § 24-34-402 *et seq.* as set forth in Instructions No. 5 and 6.

ACCORDINGLY, it is hereby ORDERED that final judgment is entered for the Defendant City and County of Denver and against Plaintiff Darryl Richmond. It is

FURTHER ORDERED that the defendant is AWARDED its costs – other than the costs incurred in defense of Defendants ISS Facility Services, Inc, Steven Massa, and Gregorio Mata –
to be taxed by the clerk of the court under Fed. R. Civ. P. 54(d)(1) and D.C.COLO.LCivR 54.1.

DATED at Denver, Colorado this September 26th, 2012.

FOR THE COURT:

JEFFREY P. COLWELL, CLERK

By: s/ Edward P. Butler

Edward P. Butler
Deputy Clerk