

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Philip A. Brimmer

Civil Action No. 11-cv-002238-PAB-KLM

THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF ADAMS,

Plaintiff,

v.

LELAND ASAY,
SAMUEL VIDAL GOMEZ, and
DENNIS GLENN COEN,

Defendants.

ORDER

The Court, upon consideration of the Motion for Entry of Stipulated Judgment, Stipulated Restitution Order, and Stipulated Voluntary Dismissal Without Prejudice of Complaint Against Defendant Samuel Gomez [Docket No. 132], ORDERS:

1. The Motion for Entry of Stipulated Judgment, Stipulated Restitution Order, and Stipulated Voluntary Dismissal Without Prejudice of Complaint Against Defendant Samuel Gomez [Docket No. 132] filed by plaintiff The Board of County Commissioners of the County of Adams is GRANTED.

2. The parties' Stipulated Judgment [Docket No. 132-1] (without exhibits) is entered as a stipulated judgment of the Court.

3. The Total Settlement Amount of \$500,000, as defined in the parties' Stipulated Judgment, constitutes "restitution" for purposes of Colo. Rev. Stat. § 24-54-111.

4. Defendant Gomez shall pay the Total Settlement Amount of \$500,000

according to the terms set forth in the parties' Stipulated Judgment.

5. Plaintiff's claims against defendant Gomez as set forth in its complaint are dismissed without prejudice pursuant to Federal Rule of Civil Procedure 41(a)(2).

6. Defendant Gomez shall voluntarily appear at depositions, hearings, and trial in the above-captioned case. In addition, defendant Gomez shall:

- a. accept service by mail or electronic transmission of notices or subpoenas issued by plaintiff for testimony at depositions, hearings, or trials;
- b. with respect to such notices and subpoenas, waive the territorial limits on service contained in Rule 45 of the Federal Rules of Civil Procedure and any applicable local rules, provided plaintiff reimburses defendant Gomez for travel and lodging at a reasonable rate; and
- c. consent to personal jurisdiction in any United States District Court for purposes of enforcing any such subpoena.

7. Plaintiff's dismissal without prejudice against defendant Gomez shall not affect plaintiff's claims in its complaint against the remaining defendants.

DATED May 7, 2013.

BY THE COURT:

s/Philip A. Brimmer
PHILIP A. BRIMMER
United States District Judge