

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Senior Judge Wiley Y. Daniel

Civil Action No. 12-cv-01103-WYD-MJW

VIRGILIUS LIPS and
LYNDA LIPS,

Plaintiffs,

v.

SERGEANT JASON ANDERSON, in his individual and official capacities;
DETECTIVE CESAR MADRIGAL, in his individual and official capacities;
SERGEANT STEVE CROUSHORE, in his individual and official capacities; and
DETECTIVE JOSEPH POLLACK, in his individual and official capacities,

Defendants.

Consolidated with

Civil Action No. 12-cv-01107-WYD-MJW

MELVEN LIPS and
JULIEN LIPS,

Plaintiffs,

v.

SERGEANT JASON ANDERSON, in his individual and official capacities;
DETECTIVE CESAR MADRIGAL, in his individual and official capacities;
SERGEANT STEVE CROUSHORE, in his individual and official capacities; and
DETECTIVE JOSEPH POLLACK, in his individual and official capacities,

Defendants.

ORDER

This matter is before the Court upon the “Notice of Settlement and Stipulated
Motion to Dismiss Civil Action No. 12-cv-01101-WJD-MJW [sic] With Prejudice” filed on

July 9, 2013. While the Notice and Stipulated Motion refer in the title to Case No. 12-cv-01101, it makes clear in the body of the document that the parties have settled and agree to dismiss Case No. 12-cv-01103. It appears that the parties have not settled the consolidated case, Case No. 12-cv-01107. Having reviewed the Notice and Stipulated Motion and being fully advised in the premises, it is

ORDERED that the Stipulated Motion to Dismiss (ECF No. 120) is **GRANTED**. Civil Action No. 12-cv-01103-WYD-MJW, involving claims by Plaintiff Virgilius and Lynda Lips, is **DISMISSED WITH PREJUDICE**, each party to bear his, her or its own costs and fees. The case is thus no longer consolidated with 12-cv-01107-WYD-MJW, and shall be taken off the caption. It is

FURTHER ORDERED that all future filings shall be made in 12-cv-01107-WYD-MJW. It is

FURTHER ORDERED that Defendants Anderson, Madrigal, Croushore and Pollack's Motion for Summary Judgment Against Lynda and Virgilius Lips (ECF No. 104) is **DENIED AS MOOT**. It is

FURTHER ORDERED that the Stipulated Motion to Withdraw Confidential Exhibits filed on June 3, 2013 (ECF No. 102) is **GRANTED**. Exhibits E and F to Plaintiffs' Motion for Reconsideration (ECF Nos. 99-5 and 99-6) shall be withdrawn and replaced with Exhibits E and F that are attached to the motion. Finally, it is

ORDERED that Defendants' Motion to Dismiss Plaintiffs' Consolidated First Amended Complaint Pursuant to Fed.R.Civ.P. 12(b)(6) (ECF No. 61) is **DENIED WITHOUT PREJUDICE**. The motion is partially moot as it seeks dismissal of claims in

both cases and incorporates by reference portions of Arapahoe Defendants' Motion to Dismiss which has been denied as moot. Defendants may if they wish file a new motion to dismiss in Case No. 12-cv-01107-WYD-MJW that takes into account the current status of the case and tailors the motion to the remaining claims.

Dated: July 10, 2013.

BY THE COURT:

/s/ Wiley Y. Daniel
WILEY Y. DANIEL,
SENIOR UNITED STATES DISTRICT JUDGE