

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
Judge Raymond P. Moore**

Civil Case No. 12-cv-01249-RM-KMT

KATHRYN GUY, as Mother, next of kin and executor of the estate of James Guy, deceased,

Plaintiff,

v.

NATHAN JORSTAD;  
RICHARD MYERS, Chief of Police;  
STEVE COX, Interim City Manager, individually and in their official capacity; and  
CITY OF COLORADO SPRINGS, a Municipality,

Defendants.

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**ORDER DENYING “PETITION PURSUANT TO 15-11-803(7)(1)” (ECF NO. 57)**

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THIS MATTER is before the Court on Plaintiff’s Petition Pursuant to 15-11-803(7)(1) (“Petition”) (ECF No. 57). In the Petition, Plaintiff requests the Court to determine that respondent, *i.e.*, Defendant Jorstad, a Colorado Springs police officer, committed a felonious killing, as defined under C.R.S. § 15-11-803(7)(b), of James Guy, and, accordingly, the limitation on damages under C.R.S. § 13-21-203 does not apply.

The Court has reviewed the Petition, Defendants’ Response, and the Court file. No reply was filed. The Court has also considered the Colorado statutes and applicable federal law. After careful consideration, the Court finds that, even assuming, *arguendo*, C.R.S. § 13-21-203 may otherwise apply to an action brought under 42 U.S.C. § 1983, § 13-21-203(6) specifically provides that the section shall not apply to a peace officer acting within the course and scope of his employment – here, Defendant Jorstad. Accordingly, it is

ORDERED that Plaintiff's Petition Pursuant to 15-11-803(7)(1) (ECF No. 57) is hereby DENIED.

DATED this 9th day of April, 2014.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Raymond P. Moore", written over a horizontal line.

RAYMOND P. MOORE  
United States District Judge