

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
Judge Robert E. Blackburn**

Civil Action No. 12-cv-01864-REB-KLM

JEFFREY SCHUDEL,

Plaintiff,

v.

LASALLE POLICE OFFICER DAVID MILLER, in his individual capacity,  
LASALLE POLICE OFFICER VICTOR ERAZO, in his individual capacity, and  
DALE PARRISH, ESQ.,

Defendants

---

**ORDER OF DISMISSAL**

---

**Blackburn, J.**

The following motions are before the court for consideration: (1) plaintiff's **Motion For Dismissal With Prejudice Plaintiff's Claims For Relief Against Defendants Lasalle Police Officer, David Miller, in His Individual and Official Capacity, Lasalle Police Officer Victor Erazo, in His Individual and Official Capacity (Unopposed)** [#125]<sup>1</sup>; and (2) the **Stipulated Motion For Dismissal With Prejudice Plaintiff's Claims For Relief Against Defendant Dale Parrish and Defendant Dale Parrish's Counterclaims Against Plaintiff** [#126] both filed January 23, 2014. After reviewing the motions and the record, I conclude that both motions should be granted, that plaintiff's claims against defendants, Lasalle Police Officer, David Miller, in his individual

---

<sup>1</sup> "[#125]" is an example of the convention I use to identify the docket number assigned to a specific paper by the court's electronic case filing and management system (CM/ECF). I use this convention throughout this order.

and official capacity, Lasalle Police Officer Victor Erazo, in his individual and official capacity, and Dale Parrish, and the counterclaims of defendant, Dale Parrish, against plaintiff should be dismissed with prejudice.

**THEREFORE, IT IS ORDERED** as follows:

1. That plaintiff's **Motion For Dismissal With Prejudice Plaintiff's Claims For Relief Against Defendants Lasalle Police Officer, David Miller, in His Individual and Official Capacity, Lasalle Police Officer Victor Erazo, in His Individual and Official Capacity (Unopposed)** [#125] filed January 23, 2014, is **GRANTED**;

2. That the **Stipulated Motion For Dismissal With Prejudice Plaintiff's Claims For Relief Against Defendant Dale Parrish and Defendant Dale Parrish's Counterclaims Against Plaintiff** [#126] filed January 23, 2014, is **GRANTED**;

3. That the Final Pretrial Conference and Trial Preparation Conference set May 16, 2014, are **VACATED**;

4. That the jury trial set to commence June 2, 2014, is **VACATED**;

5. That any pending motion and/or recommendation is **DENIED** as moot;

6. That plaintiff's claims against defendants, Lasalle Police Officer, David Miller, in his individual and official capacity, Lasalle Police Officer Victor Erazo, in his individual and official capacity, are **DISMISSED WITH PREJUDICE**, leaving open the issue of an award of fees and/or costs for further motion and determination;

7. That plaintiff's claims against defendant, Dale Parrish are **DISMISSED WITH PREJUDICE** with the parties to pay their own attorney fees and costs;

8. That the counterclaims of defendant, Dale Parrish, against plaintiff are **DISMISSED WITH PREJUDICE**; and

9. That this case is **CLOSED**.

Dated January 24, 2014, at Denver, Colorado.

**BY THE COURT:**



Robert E. Blackburn  
United States District Judge