

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 12-cv-03231-REB-KLM

VICTORIA CARBAJAL,  
DEAN CARBAJAL, and  
LUIS LEAL,

Plaintiffs,

v.

MITCHELL R. MORISSEY, District Attorney for the Second Judicial District, in his official and individual capacities,  
JEFFREY WATTS, Investigator for the Second Judicial District, in his individual capacity,  
ROBERT FULLER, Investigator for the Second Judicial District, in his individual capacity,  
REBEKAH MELNICK, Deputy District Attorney for the Second Judicial District, in her individual capacity,  
LARA MULLIN, Deputy District Attorney for the Second Judicial District, in her individual capacity,  
MILES FLESCHE, District Administrator and Clerk for the Second Judicial District, in his official capacity,  
ANNE MANSFIELD, District Court Judge for the Second Judicial District, in her official and individual capacities,  
MICHAEL MARTINEZ, District Court Judge for the Second Judicial District, in his official and individual capacities,  
ANDREW KEEFER, Deputy Sheriff for the Denver Detention Center, in his official and individual capacities,  
MICHAEL SIMPSON, Detective for the Denver Police Department, in his official and individual capacities,  
JAY LOPEZ, Detective for the Denver Police Department, in his official and individual capacities,  
GILBERT HAGAN, Detective for the Denver Police Department, in his official and individual capacities,  
CAROL DWYER, a co-conspirator with the Second Judicial District Attorney's Office, in her individual capacity,  
WELLS FARGO, a corporation,  
JANELLE KAVANAUGH, Vice President/investigator for Wells Fargo, in her individual capacity,  
BRIAN BERARDINI, a co-conspirator with the Second Judicial District Attorney's Office, in his individual capacity,  
MICHAEL CARRIGAN, a co-conspirator with the Second Judicial District Attorney's Office, in his individual capacity,  
MARIE WILLIAMS, a co-conspirator with the Second Judicial District Attorney's Office, in

her individual capacity, and  
JOHN SUTHERS, Attorney General for the State of Colorado, in his official and individual  
capacities,

Defendants.

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**MINUTE ORDER**

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**ENTERED BY MAGISTRATE JUDGE KRISTEN L. MIX**

This matter is before the Court on Defendant Brian Berardini's **Motion to Strike Plaintiffs' Response [Doc. #143] to His Motion to Dismiss Plaintiffs' Third Amended Complaint [Doc. #103] [#182]** (the "Motion"). Defendant Berardini filed the Motion on February 14, 2014, seeking to strike Plaintiffs' Response [#143] to Defendant Berardini's Motion to Dismiss [#103]. Plaintiffs' Response [#143] was filed on October 17, 2013, nearly four months before the present Motion was filed. Further, Defendant Berardini filed a Reply [#147] to the Response on October 25, 2013. Defendant Berardini has provided no reason why he did not seek to strike the Response in a timely manner. Accordingly,

IT IS HEREBY **ORDERED** that the Motion [#182] is **DENIED**.

Dated: February 18, 2014