

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Christine M. Arguello**

Civil Action No. 13-cv-01761-CMA-MJW

PHILIP WHITE,

Plaintiff,

v.

CITY AND COUNTY OF DENVER,
ROBERT WYCKOFF, in his individual and official capacity,
KYLION CHAFIN, in his individual and official capacity,
CODE-3 PROTECTION & SECURITY LLC, and
DANIEL BURKE,

Defendants.

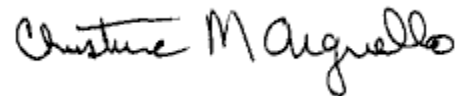
**ORDER DENYING MOTIONS TO EXCLUDE TESTIMONY
OF DAN MONTGOMERY AS MOOT**

On August 5, 2015, Defendants Kyllion Chafin and Robert Wyckoff filed a Motion to Exclude Expert Testimony of Dan Montgomery (Doc. # 215) and on August 14, 2015, Defendants Daniel Burke and Code-3 Protection & Security LLC filed a similar Motion to Exclude Expert Testimony of Dan Montgomery (Doc. # 217). On August 31, 2015, Plaintiff filed a Notice of Mootness Regarding Defendants' Motions. (Doc. # 220.) In the Notice, Plaintiff stated that he has "for reasons unrelated to the substance or merits of Defendants' objections, decided that he will not call Chief Montgomery as an expert witness at trial, and Chief Montgomery will not be on Plaintiff's final trial witness list anywhere." (*Id.*) Accordingly, the Court

DENIES the Motions to Exclude Expert Testimony of Dan Montgomery (Docs. ## 215; 217) AS MOOT.

DATED: September 8, 2015

BY THE COURT:

A handwritten signature in black ink that reads "Christine M. Arguello". The signature is written in a cursive style with a large initial "C" and "M".

CHRISTINE M. ARGUELLO
United States District Judge