

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
Senior District Judge Richard P. Matsch**

Date: March 26, 2014  
Courtroom Deputy: J. Chris Smith  
FTR Technician: Kathy Terasaki

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Civil Action No. 13-cv-02180-RPM

CURTIS ZITO,

Lonn Heymann

Plaintiff,

v.

BRUCE KAY,  
CHRISTOPHER SCHOTTS,  
BRIAN MUDLOFF,  
JOHN SAMPSON,  
ANDREW HOWARD, and  
CITY AND COUNTY OF DENVER,

Scott J. Bowman  
Jessica R. Allen

Defendants.

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**COURTROOM MINUTES**

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**Hearing on Motion to Dismiss**

**2:00 p.m. Court in session.**

Court's preliminary remarks and statements regarding the case claims.

**ORDERED: Defendants' Motion to Dismiss Amended Complaint is granted with respect to the second claim for relief. Cannabis plants are contraband under U.S. law.**

Mr. Heymann states plaintiff is not claiming an unlawful arrest because the arrest was based on outstanding warrants unrelated to the incidences alleged in the Amended Complaint.

Argument by Mr. Bowman.

**ORDERED: Defendants' Motion to Dismiss Amended Complaint is denied with respect to the first claim for relief (Fourth and Fourteenth Amendments).**

Argument by Mr. Heymann.

**ORDERED: Defendants' Motion to Dismiss Amended Complaint [15], is granted with respect to the third claim for relief.**

**Defendants' shall file answer(s) pursuant to the rules.**

**2:15 p.m. Court in recess.**

Hearing concluded. Total time: 15 min.