

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

Date: December 19, 2013
Courtroom Deputy: J. Chris Smith
FTR Technician: Kathy Terasaki

Civil Action No. 13-cv-02324-RPM

RICKY NIXON,

John W. McKendree

Plaintiff,

v.

CITY AND COUNTY OF DENVER;
ALEX J. MARTINEZ, Manager of Safety for the City and County of Denver;
ROBERT WHITE, Police Chief for City and County of Denver;
CHARLES GARCIA, former Manager of Safety in his official capacity; and
GERALD WHITMAN, former Police Chief in his official capacity,

Josh A. Marks
Katherine L. Pratt

Defendant.

COURTROOM MINUTES

Hearing on Motion to Dismiss

11:00 a.m. Court in session.

Court's preliminary remarks.

Mr. McKendree answers questions asked by the Court regarding case facts and plaintiff's claims.

Mr. McKendree agrees to file an amended complaint.

11:26 a.m. Argument by Mr. Marks.

ORDERED: Defendants the City and County of Denver, Alex J. Martinez, Robert White, and Gerald Whitman's Motion to Dismiss Plaintiff's Complaint Pursuant to Fed. R. Civ. P. 12(b)(6) , [9], is granted with respect to all claims and all defendants other than the First Amendment Claim against defendants City and County of Denver and Charles Garcia.

Plaintiff shall file an amended complaint by January 3, 2014 and defendants shall respond in accordance with the rules.

11:33 a.m. Court in recess. Hearing concluded. Total time: 33 min.