

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

Date: July 22, 2014
Courtroom Deputy: J. Chris Smith
FTR Technician: Kathy Terasaki

Civil Action No. 13-cv-03060-RPM

DOUGLAS RATHBUN,

Plaintiff,

Kenneth M. Burton
Robert P. Borquez

v.

BERNARD MONTOYA, Detective, Denver Police Department, Metropolitan Auto Theft Task Force, sued in his individual capacity;	Evan P. Lee
JOHN M. LIETZ, Detective, Denver Police Department, Metropolitan Auto Theft Task Force, sued in his individual capacity;	Evan P. Lee
DAVID SCONCE, Sergeant, Denver Police Department, Metropolitan Auto Theft Task Force, sued in his individual capacity	Evan P. Lee
JAMES SEWALD; Officer, Denver Police Department, sued in his individual capacity;	Evan P. Lee
ART PETERSON, Detective, Jefferson County Sheriff's Office, Metropolitan Auto Theft Task Force, sued in his individual capacity;	Writer Mott Rebecca P. Klymkowsky
W.D. HOOVER, Sergeant, Lakewood Police Department, Metropolitan Auto Theft Task Force, sued in his individual capacity;	Christina S. Gunn
SEAN TEMPLETON, Detective, Lakewood Police Department, sued in his individual capacity;	Christina S. Gunn
OFFICER OBECHINA, Detective, Lakewood Police Department, sued in his individual capacity;	Writer Mott
CHARLES HEMMING, Detective, Wheat Ridge Police Department, Metropolitan Auto Theft Task Force, sued in his individual capacity;	Josh A. Marks
DELFINO RODRIGUEZ, Inspector, Denver Neighborhood Inspection Services, sued in his individual capacity;	Evan P. Lee
OFFICER MUELLER, Metropolitan Auto Theft Task Force, sued in his individual capacity;	
OFFICER MORETTI, Metropolitan Auto Theft Task Force, sued in his individual capacity;	Roberto Ramirez
JOHN DOES 1-4, Metropolitan Auto Theft Task Force, sued in their individual capacities;	

Defendants.

COURTROOM MINUTES

Hearing on Motions to Dismiss

9:26 a.m. Court in session.

Court's preliminary remarks.

Mr. Burton answers questions asked by the Court regarding information with respect to the Amended Complaint, search warrant, affidavit and confiscated property (cars sold/abandoned property).

Mr. Burton states plaintiff is not challenging the arrest.

ORDERED: Defendant Mueller dismissed pursuant of Notice of Voluntary Dismissal [85]. Defendant Mueller's Motion to Dismiss [55], is moot.

Argument by Mr. Lee (First Claim for Relief).

ORDERED: The Denver Defendants' Motion to Dismiss Plaintiff's Complaint and Jury Demand [56], is denied with respect to defendant Lietz. A written order will be issued.

Argument by Mr. Marks (Second, Third, and Fourth Claims for Relief).

Mr. Burton states plaintiff agrees to dismiss defendant Rodriguez.

ORDERED: Defendant Rodriguez is dismissed.

ORDERED: Defendant Moretti's Motion to Dismiss [39], is denied and a written order will be issued.

Defendant Hoover's Motion to Dismiss [45], is denied and a written order will be issued.

Defendant Charles Hemming's Motion to Dismiss Plaintiff's First Amended Complaint [47], is denied and a written order will be issued.

Defendants Obechina's and Peterson's Motion to Dismiss [48], is denied and a written order will be issued.

9:47 a.m. Court in recess.

Hearing concluded. Total time: 21 min.