

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

Date: August 13, 2015  
Courtroom Deputy: Emily Buchanan  
FTR Technician: Kathy Terasaki

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Civil Action No. 14-cv-01362-RPM

Counsel:

TIMOTHY OLSON,  
MARY ANN LOMBARDI,  
CRYSTAL DEGUZMAN,  
MICHAEL HANCE,  
ENRIQUE NUNEZ,  
DENISE BURKE,  
MARCI STRANDBERG, the natural mother and next  
friend of Ian Strandberg and Chloe Strandberg,  
QUINTEN TWEED, and  
SARA LOMBARD, the natural mother and next friend  
of Tony Tweed, Tyson Tweed, and Nesiah Tweed,

David Lane  
Julian Wolfson

Plaintiffs,

v.

CITY OF AURORA, COLORADO, a municipality,  
DANIEL J. OATES, in his official capacity as Aurora  
Police Chief,  
CHRISTEN LERTCH, in his official and individual  
capacities,  
KRISTOPHER MCDOWELL, in his official and  
individual capacities,  
LUKE J. BARKER, in his official and individual  
capacities,  
RICHARD RAY, in his official and individual  
capacities,  
BRANDT A. SMITH, in his official and individual  
capacities,  
MICHAEL DAVID PRINCE, in his official and  
individual capacities, and  
A. TODD CHANOS, in his official and individual  
capacities,

Martha Fitzgerald  
Justin Cohen  
Michael Hoke  
Marc Colin  
Carrie Slinkard  
  
Jonathan Abramson

Defendants.

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## COURTROOM MINUTES

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### MOTION HEARING

**1:59 p.m.**      **Court in session.**

Mr. Hoke answers Court's questions and presents argument regarding Defendants City of Aurora, Daniel J. Oates, and Christian Lertch's Partial Motion to Dismiss the First Amended Complaint.

Response by Mr. Lane.

Ms. Slinkard answers Court's questions and presents argument regarding Defendants Kristopher McDowell, Luke J. Barker, Richard Ray, Brandt A. Smith, Michael David Prince, A. Todd Chanos, and Christen Lertch's Partial Motion to Dismiss First Amended Complaint.

**ORDERED:** Defendants City of Aurora, Daniel J. Oates, and Christian Lertch's Partial Motion to Dismiss the Complaint (Doc. No. 16) is **DENIED AS MOOT**.

**ORDERED:** Daniel J. Oates and Christen Lertch are dismissed as unnecessary parties.

**ORDERED:** Defendant City of Aurora's Partial Motion to Dismiss the First Amended Complaint (Doc. No. 22) is **DENIED**.

**ORDERED:** Plaintiffs' counsel concedes the initial stop was not a violation of the Fourth Amendment. Plaintiffs' first claim for relief is dismissed.

**ORDERED:** Defendants Kristopher McDowell, Luke J. Barker, Richard Ray, Brandt A. Smith, Michael David Prince, A. Todd Chanos, and Christen Lertch's Partial Motion to Dismiss First Amended Complaint (Doc. No. 32) is **DENIED**.

**2:30 p.m.**      **Court in recess.**

**Hearing concluded. Total time: 31 minutes.**