

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Magistrate Judge Boyd N. Boland

Civil Action No. 14-cv-02297-BNB

DARRELL FORTNER,
JENNIFER FORTNER,
YEVETTE FORTNER,
MATTHEW NICCOLI,
WILLYY R. SCOTT,
JEFFERY SCOTT,
RAY ROZAK II,
LINDA ROZAK,
JUDITH A. SCOTT,
JAMES SCOTT,
ERIC SCOTT,
DIANE APODACA,
LESLIE E. APODACA,
ANTHONY DAVID,
LAUREN DAVID,
KENT OSBORNE,
MARIE TURNER,
JACE TURNER,
SUE FLETCHER,
PATRICIA MAIN,
CHRISTOPHER MAIN,
JOHN SCHRAEDEL,
JENNIFER SCHRAEDEL,
ANNA SKINNER,
JOHN BRADSHAW,
JEFFREY YONKEY,
JANICE H. WOODARD,
ANDREA G. ROBERSON,
LISA BRANT,
ROGER L. CHRISTIANSEN,
CLAUDIA F. CHRISTIANSEN,
LISA AKERLUND,
KENT G. ROBERSON,
EDWIN E. BUSBY,
LINDA L. BUSBY,
TRACY WHITING,
FLOYD NEISWANGER,
JILL JONES-BIRD,
JEAN N. KEENAN,
GALE WESTMORELAND,

SHARON BOWEN,
PAUL HUNTSMAN,
CHARMAINE VIALPANDO,
DEBBIE HUTCHINSON,
VICKY CONTRERAS,
ZACHARY MUNDAHL,
SUSAN BARNHILL,
BETTY FITZPATRICK,
DALE GARDNER,
IVY SEIGEL,
LEE SEIGEL,
BARBARA HOFFMANN,
DICK HOFFMANN,
MICHAEL TURNER,
ANN M. GAFFNEY,
GEOFF PACKETT,
LEE ANN NILLES,
KEVIN LARSON, and
DOES, One Through Five Hundred, Plaintiffs, in Pro se

Plaintiffs,

v.

STATE OF COLORADO,
COUNTY OF EL PASO, COLORADO,
BLACK FOREST FIRE BOARD, and
DOES, One Through One Hundred,

Defendants.

ORDER

Filed today is a **Motion to Vacate Hearing of Sept. 22, 2014, and Unopposed Motion to Voluntarily Dismiss Without Prejudice** [Doc. # 32, filed 9/19/2014] (the “Motion”).

This action purportedly was brought by 58 individual plaintiffs, pro se. Subsequent filings have raised doubt about whether all of the purported plaintiffs actually consented or intended to be joined as plaintiffs in the action. Regardless, by an Order [Doc. # 5], I set the

matter for a hearing on September 22, 2014, at 1:00 p.m., to address whether joinder of the pro se plaintiffs is appropriate. As a part of the Order, I required each of the pro se plaintiffs to appear at the hearing in person and stated that “[f]ailure to appear in person may result in the imposition of sanctions.” Order [Doc. # 5] at p. 3.

The hearing on September 22, 2014, at 1:00 p.m., will occur as previously ordered, the Motion notwithstanding. All pro se plaintiffs must appear at that time in person.

IT IS ORDERED:

- (1) The Motion [Doc. # 32] is DENIED insofar as it seeks to vacate the hearing on September 22, 2014; and
- (2) All pro se plaintiffs must appear at the hearing in person. Failure to appear may result in the imposition of sanctions.

Dated September 19, 2014.

BY THE COURT:

s/ Boyd N. Boland
United States Magistrate Judge