

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

Civil Action No. 15-cv-00922-RPM

REBECCA ARNDT,
NICOLE BALDWIN,
CATHY BUCKLEY,
STACEY CLARK,
DONYA DAVIS,
JULIE GARRETT,
CAROLYN GRAVES,
SAMANTHA LEMBERGS,
JENNIFER LEWIS,
GERALDINE PRING,
MAGDALENA SANTOS, and
TERRY THRUMSTON,

Plaintiffs,

v.

CITY OF COLORADO SPRINGS,

Defendant.

ORDER DENYING MOTION TO DISMISS

The defendant filed a motion to dismiss the ADA claim of plaintiff Julie Garrett under Rule 12(b)(1) for failure to receive a notice of right to sue letter. In response counsel for the plaintiff has represented that a charge of age discrimination has been made by Ms. Garrett and a right to sue letter is expected. It is not clear that there is a jurisdictional defect but even so the receipt of that letter would cure any such defect and it is a waste of judicial resources to grant the defendant's motion at this time. Accordingly, it is

ORDERED that the motion is denied.

DATED: March 8th, 2016

BY THE COURT:

s/Richard P. Matsch

Richard P. Matsch, Senior Judge