

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Robert E. Blackburn**

Civil Action No. 15-cv-01524-REB-CBS

VINCENT GABRIEL,

Plaintiff,

v.

CITY OF FOUNTAIN,
OFFICER MARK KNOLMAYER, in his individual capacity and as an employee of the
City of Fountain,
GREGORY MORRIS, as employee of the City of Fountain,
CHRIS HEBERER, in his official capacity as chief,
FOUNTAIN FIRE DEPT Response Team for date 7/15/2013 as individuals and as
employees of the City of Fountain,

Defendants.

ORDER DISMISSING PARTIES

Blackburn, J.

The matter is before me on the **Stipulation for Dismissal of Certain Claims/Parties with Prejudice** [#45]¹ filed December 9, 2015. After careful review of the stipulation and the file, I conclude that the stipulation should be approved.

THEREFORE, IT IS ORDERED as follows:

1. That the **Stipulation for Dismissal of Certain Claims/Parties with Prejudice** is approved;
2. That plaintiff's claims against defendants, Officer Mark Knolmayer, Gregory

¹ “[#45]” is an example of the convention I use to identify the docket number assigned to a specific paper by the court's case management and electronic case filing system (CM/ECF). I use this convention throughout this order.

Morris, and Chris Heberer, in their official and/or individual capacities as alleged in Counts 1, 2, 5, 7, 9, and paragraph 141 of the **Complaint** [#2] filed July 17, 2015, are dismissed with prejudice;

3. That, to the extent other “counts” in the **Complaint** assert claims against defendants, Knolmayer, Morris, and Heberer in their official and/or individual capacities, those claims are dismissed with prejudice;

4. That plaintiff’s claims as alleged in Count 9 and paragraph 141 of the **Complaint** against defendants, City of Fountain and Fountain Fire Dept, are dismissed with prejudice;

5. That each party shall pay its own attorney fees and costs associated with the claims and defendants dismissed in this order;

6. That the entirety of Count 9 and paragraph 141 of the **Complaint** are dismissed with prejudice as to all defendants; and

7. That defendants, Mark Knolmayer, Gregory Morris, and Chris Heberer, are dropped as parties to this action, and the caption shall be amended accordingly.

Dated December 10, 2015, at Denver, Colorado.

BY THE COURT:



Robert E. Blackburn
United States District Judge