

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 92-CV-870-JLK

JESSE MONTEZ, et al.

Plaintiffs,

-vs.-

BILL RITTER, et al.

Defendants.

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**REPORT OF SPECIAL MASTERS**

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The Special Masters do hereby submit this Report concerning claims that remain open as of December 16, 2009. These claims have been processed pursuant to Paragraph XXXII of the Remedial Plan and pursuant to the order of April 4, 2008 expanding the duties of the Special Masters. This report should be read in conjunction with the previous report submitted on June 16, 2009. Since that report was filed, an additional 18 claims have been filed.

Ninety claims remain in abeyance pending resolution of the jurisdictional issue of whether individual inmates may file *pro se* motions for relief or additional claims for alleged discrimination that occurred after August 27, 2003. This report indicates which claim files remain open and why that is the case.

**Claims Scheduled for Hearing:**

07-473	James F. Sorenson #93362	Hearing: February 26, 2010 The order for the hearing was issued on August 28, 2009. Claim predates the procedure ordered by Judge Kane on September 1, 2009.
03-474	Mary Ann Fernandez #57763	Hearing: February 26, 2010 The order for the hearing was issued on August 28, 2009. Claim predates the procedure ordered by Judge Kane on September 1, 2009.
03-475	Frankie L. McConnell #63672	Hearing: February 25, 2010 Defendants granted opportunity to file objection to claim. No objection filed, with cutoff date of October 26, 2009.
03-476	Gregory D. Thomas #48283	Hearing: February 25, 2010 Claimed filed on August 13, 2009.

Claim predates the procedure ordered by Judge Kane on September 1, 2009.

03-477 Larry Dean Jones #68661 Hearing: February 26, 2010  
Defendants filed objection to claim on October 2, 2009  
Class counsel filed reply on October 26, 2009  
Dispute of fact exists concerning whether CCCF provided notice of the claim process to Claimant and others. Issue of notice will be dealt with at the hearing.

**Claims to be Processed:**

X-379 Daniel A. Hartley #67103  
Awaiting responses of Claimant and Class Counsel to Defendants' Objection Responses due on or before December 28, 2009

X-380 Alan Mitchel Maxfield #137,692  
Order of dismissal as to Article XXXII claim to be entered *sua sponte* on December 18, 2009. Claimant came to DOC after August 27, 2003. Case remains in abeyance concerning jurisdictional issue.

X-382 Mark Zamora #122207  
Claim process began on September 16, 2009. Awaiting additional information from Claimant. Claim reflects incarceration in DOC on December 6, 2008.

X-384 Gregory J. Deegan #124948  
Defendants granted up to December 21, 2009 in which to file objection.

X-385 Eldridge Griffin #85791  
Defendants did not file objection. Awaiting information on parole status of Claimant. Hearing to be set.

X-386 James M. Spencer #141306  
Claimant has not filed a claim, but only sent in a letter. Claim form has been provided to Claimant, and deadline extended to December 28, 2009 in which to file claim.

**Claims Remaining Opening and in Abeyance Pending Resolution of Jurisdictional Issue:**

X-166 Paul Deschaine #124164  
Letter held in abeyance. Came into DOC after August 27, 2003.

- X-228 Julius C. Herrera #119727  
Article XXXII claim dismissed. Case remains in abeyance pending resolution of jurisdictional issue.
- X-264 Reynaldo Villa #132385  
Letter held in abeyance. Claimant came into DOC after August, 2003.
- X-283 Robert J. Landrum #124611  
Article XXXII claim dismissed. Case remains in abeyance pending resolution of jurisdictional issue.
- X-285 Dean Hackborn #130945  
Claim held in abeyance. Came into DOC after August 27, 2003.
- X-292 James R. Hunt #131036  
Article XXXII claim dismissed. Case remains in abeyance pending resolution of jurisdictional issue.
- X-302 Donald Thurston #126241  
Claim held in abeyance. Came into DOC after August 27, 2003.
- X-311 David Watts #140908  
Claim held in abeyance. Came into DOC after August 27, 2003.
- X-316 Edward W. Spohr #140832  
Case held in abeyance. Came to DOC after August 27, 2003.
- X-320 Charles Russell #124060  
Article XXXII claim dismissed. Case remains in abeyance pending resolution of jurisdictional issue.
- X-333 David M. Aragon #142535  
Article XXXII claim dismissed. Case remains in abeyance pending resolution of jurisdictional issue.
- X-335 Marc C. Trevithick #138024  
Article XXXII claim dismissed. Case remains in abeyance pending resolution of jurisdictional issue.
- X-342 Harold T. Maddox #96046  
Article XXXII claim dismissed. Case remains in abeyance pending resolution of jurisdictional issue.

- X-344 Fidel Ramos #41238  
Article XXXII claim dismissed. Case remains in abeyance pending resolution of jurisdictional issue.
- X-345 Norman Weigand #58767  
Article XXXII claim dismissed. Case remains in abeyance pending resolution of jurisdictional issue.
- X-357 Brian Stroud #117960  
Article XXXII claim dismissed. Case remains in abeyance pending resolution of jurisdictional issue.
- X-359 Fermen Arguello #133019  
Article XXXII claim dismissed. Case remains in abeyance pending resolution of jurisdictional issue.
- X-362 David Scott Key #137585  
Article XXXII claim dismissed. Case remains in abeyance pending resolution of jurisdictional issue.
- X-367 Robert H. Peek #138634  
Article XXXII claim dismissed. Case remains in abeyance pending resolution of jurisdictional issue.
- X-370 James M. Bertolo #142464  
Article XXXII claim dismissed. Case remains in abeyance pending resolution of jurisdictional issue.
- X-373 Lora J. Wilson #146350  
Article XXXII claim dismissed. Case remains in abeyance pending resolution of jurisdictional issue.
- X-374 Cora E. Ferales #66331  
Article XXXII claim dismissed. Case remains in abeyance pending resolution of jurisdictional issue.
- X-376 Ronnie D. Flohr, Jr. #53894  
Article XXXII claim dismissed. Case remains in abeyance pending resolution of jurisdictional issue.
- X-377 Patricia L. Larkins #105263  
Article XXXII claim dismissed. Case remains in abeyance pending resolution of jurisdictional issue.

X-381	Thomas D. Tillery	#132387	Defendants failed to file objection. Claim dismissed <i>sua sponte</i> , as Claimant came into DOC in September, 2006
X-383	John DeBella	#133881	No claim ever filed. Dismissed on November 21, 2009.
C-006	Emory Mello	#131664	Claim held in abeyance. Claimant came into DOC after August, 2003.
C-007	Matthew T. Redmon	#140637	Claim held in abeyance. Claimant came into DOC after August, 2003.
C-011	Neil F. Creeden	#127412	Claim held in abeyance. Claimant came into DOC after August, 2003.
C-012	Joseph D. Kyger	#138283	Claim held in abeyance. Claimant came into DOC after August, 2003.
C-014	Ronald Cordova	#57350	Systemic issues raised and held in abeyance.
C-016	Michael W. Fleming	#100942	Issues raised concerning post-August, 2003 conduct of DOC.

**Adjudicated Claims that have been Re-opened and Remain in Abeyance:**

All of these claims have been adjudicated. The claimants have requested relief for something that has occurred since August 27, 2003. All of the requests for action or relief remain in abeyance pending a determination of the jurisdictional issue.

01-050	Robert Juarez	#61104
01-076	Lawrence Fitzgerald	#66345
01-197	Daniel Martinez	#120983
02-009	Robert Rodriguez	#48645
02-085	Alonzo Moore	#100911
02-128	Stephen Moore	#57381
02-271	Michael Windsor	#64366
02-299	Ross Alley	#84044
02-468	George C. McDaniel	#90095
02-564	Nick Smith-Bey	#98861
02-682	Jerry D. Grady	#93047
02-718	Stephen L. Grace	#57349
02-792	James B. Garnes	#88322

02-800	Kevin L. McClearen	#86635
03-014	James Smith	#112593
03-018	Richard Gonzales	#46594
03-037	James Martinez	#56997
03-048	Toney Brown	#61215
03-115	Michael McCann	#112458
03-129	Jill Coit	#86530
03-140	Shawn M. Winkler	#48319
03-157	Thomas Snyder	#57207
03-173	Wellman Gibson	#74384
03-191	John Derwin	#68798
03-194	Hector Martinez-Jimenez	#106871
03-211	Matthew Mounts	#66276
03-215	Gordon Reuell	#80544
03-220	Lawrence Beeman	#42894
03-248	Juan Maldonado	#81249
03-262	Edward Corbin	#114258
03-272	Roy Jack Pollard	#94894
03-276	Michael K. Tivis	#52378
03-283	Albino Sanchez-Garcia	#83139
03-297	Raymond Price	#66072
03-308	Randy Kailey	#50247
03-328	Henry R. Tafoya	#40786
03-334	Marty Bueno	#50565
03-335	Keith Schwinaman	#105240
03-344	Jay Bailey	#103284
03-377	Ronald Cordova	#57350
03-391	Michael Collins	#101218
03-406	Charles Mosby	#63611
03-420	Santos Romero	#48563
03-427	Angela Thomas	#91631
03-430	James Wylie	#114060
03-433	Debra Gillon	#60340
03-438	Albert J. Abeyta	#119057
03-439	Cleveland Flakes	#45885
03-441	Ethel White	#68138
03-445	Raymond Goodloe	#51437
03-450	Duane Manzanares	#66183
03-453	Roy Melanson	#117654
03-459	John Nasious	#98775
03-463	Dean Gates	#118740
03-468	Gary L. Arellano	#69948
03-469	Michael J. Haley	#105526
03-471	Hobert G. Stephens	#86084

03-472                  Gilbert M. Casias                  #90539

**Summary:**

Claims set for Hearing:	5
Claims pending determination of status and viability:	6
Claims held in abeyance or re-opened:	32
Claims re-opened but previously adjudicated on merits. Held in abeyance:	58
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TOTAL:	101

IT IS HEREBY ORDERED that this Report be filed with the Court reflecting the status of open claims that are pending before the Special Masters.

SIGNED this 17<sup>th</sup> day of December, 2009.

BY THE COURT:

*/s/ Richard M. Borchers*

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Richard M. Borchers  
Special Master

Bruce D. Pringle  
Special Master

Richard C. Davidson  
Special Master

**CERTIFICATE OF MAILING**

I hereby certify that I have mailed a copy of the foregoing Report of Special Master this 17<sup>th</sup> day of December, 2009 to the following:

King & Greisen, LLP  
1670 York Street  
Denver, CO 80206

Mr. James Quinn  
Office of the Attorney General  
1525 Sherman Street  
Denver, CO 80203

/s/ Richard M. Borchers

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