

DISTRICT COURT CITY & COUNTY OF DENVER, COLORADO  1437 Bannock Street Denver, Colorado 80202	DATE FILED: February 13, 2024 4:47 PM CASE NUMBER: 2022CV33434
<b>Plaintiff: RUBY JOHNSON</b>  v.  <b>Defendants: GARY STAAB</b> , in his individual capacity; and <b>GREGORY BUSCHY</b> , in his individual capacity	<p style="text-align: center;"><b>▲ COURT USE ONLY ▲</b></p> Case Number: 2022CV33434  Courtroom: 269
<b>OMNIBUS ORDER ON DEFENDANTS' MOTIONS FOR SUMMARY JUDGMENT</b>	

This matter is before the Court on Defendants Gary Staab and Gregory Buschy's motions for summary judgment. The Court received a combined response and a reply on each motion, together with affidavits and exhibits. The Court finds and orders as follows:

**I. Undisputed Material Facts**

The Court finds the following facts to be undisputed for the purpose of resolving the present motions only.

On January 3, 2022 at 6:45 AM, a truck belonging to Jeremy McDaniel was stolen from a Hyatt hotel. The stolen truck contained guns, cash, and an iPhone 11.

McDaniel used the "Find My" application to track the iPhone. McDaniel told police on January 3 that the iPhone "pinged" from several locations including near Denver International Airport, at 5558 Lewiston Court, at 13600 E Maxwell Place, and at a convenience store and gas station.

The following day on January 4, Detective Staab was assigned to investigate the theft. Staab reviewed the existing case file. At 8:45 AM, Staab called McDaniel. McDaniel told Staab that the iPhone pinged the previous day, January 3, at 11:24 AM and at 3:55 PM from “the house that’s on the corner of Worchester and Victor Way on the southeast side. And the address that it shows . . . it says 5380 Worchester Street . . . .” Exh. 1 to Pltf. Resp. McDaniel stated that the iPhone had not pinged since 3:55 PM and that the battery may have died.

McDaniel also stated that he rented a car and drove by 5380 Worchester Street and did not see the truck at the address, but that it could have been in the home’s garage.

Around 10 AM, McDaniel emailed Staab a “screenshot” of the Find My application showing the iPhone pinging at 11:24 AM on January 3. The screenshot included a graphic of a phone above 5380 Worchester Street. The screenshot depicted a dot correlating to the phone on a graphic of the house; the dot and house were depicted within a blue circle encompassing several properties.<sup>1</sup>

Staab contacted his supervisor, Sergeant Buschy, and discussed his concerns about the roughly 17-hour lapse of time from the iPhone’s last ping on January 3 and the investigation on January 4. Buschy told Staab to speak to the District Attorney’s Office. Staab did not expect the District Attorney’s Office to find probable cause to

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<sup>1</sup> The parties dispute the color of the dot, with Plaintiff arguing that copies produced in this litigation do not demonstrate the color. The Court finds the color to be largely immaterial as it undisputed that the screenshot included in the affidavit showed a dot on the house, and it is the dot, not its color that is important for purposes of the analysis.

search the home. Staab contacted the District Attorney's Office and spoke with Deputy District Attorney Ashley Beck, who told him that he was "good" with the information he had.<sup>2</sup> They did not discuss the accuracy of the Find My application. Buschy also spoke with Beck and discussed the time that had elapsed. Beck told Buschy that the detectives "were good to go."

Staab called McDaniel again to discuss the accuracy of the Find My application. McDaniel told Staab that he had once used the Find My application to find a different phone and the app was accurate within a five-foot radius.<sup>3</sup> Staab did not do any independent investigation of the accuracy of the Find My application. Staab did not know how the technology worked. Staab had never used the application personally or professionally.

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<sup>2</sup> Plaintiff disputes that this conversation occurred because Beck testified in a deposition that she has no recollection of the conversation. But Beck also testified that she routinely interacts with detectives to discuss warrants and that her interaction with Staab was routine. As a result, the Court does not understand Beck to have testified that the conversation never happened at all, and the Court finds the fact of the conversation to be undisputed. *See Linao v. GCR Tire Ctrs.*, 2:09-CV-134-RWS, 2010 WL 4683508, at \*5 (N.D. Ga. Nov. 12, 2010) ("[W]here the only evidence negating the existence of an event is a witness's failure to remember that event, other courts have declined to find a genuine issue of fact for summary judgment purposes."). Likewise, Beck does not appear to contradict that she told Staab he had sufficient information for the warrant; rather, her testimony indicates that she cannot confirm or deny Staab's account of that portion of the conversation. The Court finds the same to be true in regard to Buschy's conversation with Beck.

<sup>3</sup> Plaintiff disputes whether McDaniel made this representation. However, the opposing evidence provided by Plaintiff failed to create a genuine dispute of fact. Plaintiff's counsel's affidavit consisted entirely of hearsay statements for which the Court could not discern an applicable exception. In contrast, Defendant's testimony regarding McDaniel's statement could be considered for a non-hearsay purpose. As such, the Court finds no genuine dispute as to this fact. *See* C.R.C.P. 56(e) (requiring that opposing affidavits "set forth such facts as would be admissible in evidence").

At some time before 12:52 PM on January 4, undercover officers drove by 5380 Worcester Street and took photos of the home. Those officers did not see the stolen truck, and their photographs did not include the stolen truck. The officers did not report any other suspicious activity at the home.

Staab investigated and learned that Plaintiff Ruby Johnson, a then-76-year-old woman, owned the property at 5380 Worcester Street. Neither Staab nor Buschy believed that Johnson stole the truck. Staab learned that Johnson's son had a criminal record from the early 1990s. Staab did not further investigate whether Johnson's son lived with her.

Staab did not believe that he had probable cause to search Johnson's home prior to drafting his affidavit and the accompanying search warrant. Buschy shared concerns given the length of time from the phone's last ping. Staab drafted a search warrant and affidavit after being instructed to do so by Buschy. Staab believed that if he had not submitted the warrant, another detective would have.

Staab sent the affidavit and warrant to Beck for her review and approval. Beck revised the affidavit to include information about the frequent use of stolen vehicles to perpetrate other crimes and that stolen vehicles may be abandoned after a short time. Beck also included information about thieves retaining valuable property found within stolen vehicles. Chief Deputy District Attorney Victoria Sharp reviewed the draft affidavit and warrant. Staab, Buschy, and Beck signed and submitted the affidavit.

By the time the affidavit and warrant were submitted, Staab and Buschy believed they had probable cause to search the home. Beck would not have signed the affidavit if she did not believe there to be probable cause.

The affidavit included photos of the property from the surveilling officers and the screenshot from McDaniel's Find My application. The affidavit stated that there was reason to believe that the stolen truck and its contents were at the home. To support this, the affidavit stated that the Find My application had pinged to the house on Worchester Street, with the first ping from the property at 11:24 AM and the last ping at 3:55 PM on January 3. The affidavit stated, "during that time, the phone had not moved;" that McDaniel drove past the property and did not see the stolen truck but it could have been in the garage; that the phone was pinging from the address when McDaniel drove by; that McDaniel used the Find My application in the past with an accuracy of five feet; and that the screenshot from the Find My application showed a red dot "signifying the phone being inside the house." The affidavit did not include Staab's lack of familiarity with the Find My application, his initial doubts about probable cause, information about Johnson, or that the surveilling officers did not see the truck at the property. The affidavit did not include the fact that the Find My application had registered the phone at other locations prior to the house on Worchester Street. The affidavit stated that stolen vehicles are often abandoned after a short period of time and that thieves will often abandon the vehicle and retain property inside.

Denver County Court Judge Beth A. Faragher approved and signed both the affidavit and search warrant on January 4 at 12:52 PM. Denver Police Department SWAT personnel assisted with the execution of the warrant. During the search of the home, Johnson was placed in a police vehicle and moved down the street. Neither the stolen truck nor its contents were at the home.

## II. Legal Standard

The Court may grant a motion for summary judgment when the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to judgment as a matter of law. C.R.C.P. 56(c); *Bebo Constr. Co. v. Mattox & O'Brien, P.C.*, 990 P.2d 78, 83 (Colo. 1999). The Court may not grant summary judgment when the pleadings and affidavits show material facts in dispute. *GE Life & Annuity Assurance Co. v. Fort Collins Assemblage, Ltd.*, 53 P.3d 703, 706 (Colo. App. 2001).

A material fact is one that will affect the outcome of the case. *Struble v. Am. Fam. Ins. Co.*, 172 P.3d 950, 955 (Colo. App. 2007); *Krane v. Saint Anthony Hosp. Sys.*, 738 P.2d 75, 77 (Colo. App. 1987). The moving party has the initial burden of showing that no genuine issue of material fact exists; the burden then shifts to the nonmoving party to establish that there is a triable issue of fact. *AviComm, Inc. v. Colo. Pub. Utils. Comm'n*, 955 P.2d 1023, 1029 (Colo. 1998). This burden has two distinct components: 1) an initial burden of production on the moving party, which, when satisfied, then shifts to the nonmoving party; and 2) an ultimate burden of

persuasion, which always remains on the moving party. *Cont'l Air Lines, Inc. v. Keenan*, 731 P.2d 708, 712 (Colo. 1987). The initial burden may be satisfied by showing the court that there is an absence of evidence in the record to support the nonmoving party's case. *Id.* Once the moving party has made a convincing showing that genuine issues of fact are lacking, the opposing party cannot rest upon mere allegations or denials in the pleadings but must demonstrate by specific facts that a controversy exists. *USA Leasing, Inc. v. Montelongo*, 25 P.3d 1277, 1278 (Colo. App. 2001).

All inferences from the undisputed facts must be drawn in favor of the nonmoving party, and any doubts regarding the existence of a triable issue must be resolved against the moving party. *Cotter Corp. v. Am. Empire Surplus Lines Ins. Co.*, 90 P.3d 814, 819 (Colo. 2004). The trial court's role in evaluating a summary judgment motion is not to weigh the evidence and make conclusions, but to identify whether a genuine issue is present for the jury. *Andersen v. Lindenbaum*, 160 P.3d 237, 239 (Colo. 2007).

“Summary judgment is a drastic remedy and is never warranted except on a clear showing that there exists no genuine issue as to any material fact and that the moving party is entitled to judgment as a matter of law.” *Churchey v. Adolph Coors Co.*, 759 P.2d 1336, 1339–40 (Colo. 1988).

### III. Analysis

Plaintiff brings one claim against Defendants for violation of her Colorado constitutional right to be free from unreasonable search pursuant to § 13-21-131,

C.R.S. Specifically, Plaintiff asserts that Defendants violated her constitutional right by misrepresenting and omitting facts in their affidavit for a search warrant and consequently searching her home without probable cause. Defendants counter that the affidavit was not misleading and that they had probable cause for the search.

#### **A. Constitutional principles<sup>4</sup>**

##### **1. Standard for probable cause and supporting affidavits**

Article II, section 7 of the Colorado Constitution prohibits “the issuance of a search warrant except upon probable cause supported by oath or affirmation particularly describing the place to be searched and objects to be seized.” *People v. Leftwich*, 869 P.2d 1260, 1265 (Colo. 1994).

Probable cause “exists when an affidavit alleges sufficient facts for a person of reasonable caution to believe that contraband or other evidence of criminal activity is located at the place to be searched.” *People v. Webb*, 2014 CO 36, ¶ 11 (internal quotations omitted). Probable cause is not measured by a “more likely true than false” level of certitude but by a common-sense, nontechnical standard of reasonable cause to believe, with due consideration being given to a police officer’s experience and training in determining the significance of his observations to the ultimate issue of probable cause.” *People v. King*, 16 P.3d 807, 813 (Colo. 2001) (internal quotations omitted).

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<sup>4</sup> The Court draws on the following legal principles that apply in criminal settings on motions to suppress evidence. Under the federal analogue to § 13-21-131 claims, a plaintiff challenging the veracity of a warrant “must make the same showing that is required at a suppression hearing.” *Velardi v. Walsh*, 40 F.3d 569, 573 (2d Cir. 1994).

“Under the Colorado Constitution, the facts supporting probable cause must be reduced to a writing, and so probable cause must be established within the four corners of the warrant or its supporting affidavit.” *People v. Scott*, 227 P.3d 894, 897 (Colo. 2010). An affidavit submitted in support of a search warrant “must set forth particular facts and circumstances underlying the existence of probable cause, so as to allow the magistrate to make an independent evaluation.” *People v. Kerst*, 181 P.3d 1167, 1171 (Colo. 2008). However, “probable cause itself need not satisfy any rigid, hypertechnical requirements but is a practical, nontechnical conception, involving common-sense conclusions about human behavior. It has been referred to as a fluid concept, turning on the assessment of probabilities in particular factual contexts that are not reducible to a neat set of legal rules.” *People v. Crippen*, 223 P.3d 114, 117 (Colo. 2010) (internal quotations and citations omitted).

Probable cause may be established “by reasonable inferences which may flow from the information contained in the affidavit.” *People v. Campbell*, 678 P.2d 1035, 1040 (Colo. App. 1983). The warrant affidavit must also “establish probable cause to believe that contraband or evidence of criminal activity is located in the place to be searched at the time of the warrant application, not merely at some time in the past.” *People v. Hagos*, 250 P.3d 596, 616 (Colo. App. 2009). Probable cause is determined by the totality of the circumstances. *Leftwich*, 869 P.2d at 1265 (“In addition to the content of the information asserted in the affidavit, a totality-of-the-circumstances analysis necessarily requires some assessment of the reliability of the information.”).

## **2. Challenges to probable cause based on alleged false statements**

Generally, if a probable cause determination is challenged, “the central question for the reviewing court is not whether it would have found probable cause in the first place, but whether the magistrate had a substantial basis for issuing the search warrant.” *People v. McKay*, 2021 CO 72, ¶ 10 (internal quotations omitted).

A party “may contest the sufficiency of a warrant affidavit on the ground that the statements of the affiant are false.” *People v. Reed*, 56 P.3d 96, 99 (Colo. 2002). “Since probable cause determinations are based on inferences drawn from the language in warrant affidavits, false statements may result in a mistaken finding of probable cause.” *Id.*

In determining whether a search warrant lacked probable cause based on false statements, courts consider three issues in sequence: (1) whether the warrant affidavit contains false statements; (2) whether the false statements must be excised; and (3) if the statements are excised, whether the remaining statements establish probable cause to authorize the search. *People v. Young*, 785 P.2d 1306, 1308 (Colo. 1990).

“False statements in affidavits must be stricken . . . if the source of error is intentional falsehood or reckless disregard for the truth by the affiant. If the error resulted from some other source, such as negligence or a good-faith mistake, the question of appropriate sanctions, if any, is initially left to the discretion of the trial court . . . . Thus, not all false information in a warrant affidavit need be stricken; rather, the source of error is determinative. To evaluate the falsity of a statement or

the source of an error, a court may consider facts outside the four corners of an affidavit.” *Reed*, 56 P.3d at 99 (internal citations omitted).

### **3. Challenges to probable cause based on alleged omissions**

A party also may challenge a search warrant affidavit by asserting that the affidavit contained material omissions. “The omission of material facts known to the affiant at the time the warrant affidavit was executed may cause the affidavit to be so misleading that a finding of probable cause based on such statements may be deemed erroneous.” *Kerst*, 181 P.3d at 1171. “An affidavit need not describe all steps taken, information obtained, and statements made during an investigation but must contain any material adverse facts.” *McKay*, 2021 CO 72, ¶ 9. “An adverse fact is material in this context only if its omission would render the affidavit substantially misleading as to the existence of probable cause.” *Id.* (internal quotations omitted).

As with the existence of false information in an affidavit, the omission of material information that might vitiate probable cause does not automatically invalidate a warrant. Rather, a reviewing court supplements the affidavit with the material omitted information and determines whether the affidavit’s resulting content is sufficient to establish probable cause. *See Kerst*, 181 P.3d at 1172; *see also People v. Dailey*, 639 P.2d 1068, 1075-76 (Colo. 1982) (supporting that Colorado courts considering the materiality of misstatements or omissions routinely evaluate *de novo* whether the fictional affidavit supports probable cause). If the resulting affidavit is sufficient, then the warrant remains lawful. *See People v. Malone*, 175 Colo. 31, 32-33, 485 P.2d 499, 500 (1971).

#### 4. Determination of questions of fact

Federal courts generally hold that it is the jury's role to determine whether probable cause supported the issuance of a search warrant in a civil action. *See, e.g., Bruner v. Baker*, 506 F.3d 1021, 1028 (10th Cir. 2007); *see also Tlapanco v. Elges*, 969 F.3d 638, 649 (6th Cir. 2020); *Sanseverino v. Chrostowski*, 536 F. App'x 62, 64 (2nd Cir. 2013); *Sherwood v. Mulvihill*, 113 F.3d 396, 401 (3rd Cir. 1997). These authorities are persuasive, and the existence of probable cause in a civil case under § 13-21-131 should be a question of fact for the jury when the facts may be disputed.<sup>5</sup> In addition, “a party's intent is a question of fact to be determined by the fact finder.” *In re Est. of Chavez*, 2022 COA 89M, ¶ 47.

#### B. False statements and material omissions in Defendants' affidavit

Defendants move for summary judgment on the grounds that they had probable cause to request a search warrant of Plaintiff's home under the prevailing constitutional standards. Plaintiff asserts that questions of fact exist as to whether probable cause was lacking because Defendants misrepresented two facts in their affidavit: (1) that the screenshot included a dot signifying that the phone was inside the home; and (2) that Staab had reason to believe the stolen truck was located at the home. Plaintiff also asserts that Defendants omitted from the affidavit (1) Staab's lack of familiarity, understanding, experience, or training with the Find My

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<sup>5</sup> *See also Smith v. Idaho Springs Police Dep't*, 22-CA-1190, ¶ 50 (Colo. App. June 29, 2023) (unpub'd) (holding that in a civil action under § 13-21-131, a jury decides whether probable cause for a warrant existed “where there is a factual dispute as to the veracity of the warrant affidavit or the officer's culpability, or where there is ‘room for a difference of opinion’ as to the existence of probable cause”).

application or similar technology; (2) Staab's doubts about the existence of probable cause; (3) that the owner of the home was an elderly woman who was not herself a suspect, and other information regarding the owner of the home; and (4) that undercover officers observed the home and found no evidence of the stolen truck.

Viewing all facts in the light most favorable to Plaintiff, the Court finds questions of fact regarding whether the warrant contained false statements and/or omissions. First, the affidavit assigned meaning to the Find My screenshot, stating that the dot "signif[ied]" that the phone was "inside the house." Coupled with Defendants' lack of experience with or understanding of the technology and their failure to further investigate, the Court finds that reasonable persons could differ on whether it was a false statement to say that the dot on the application meant that the phone was inside the house. The Court also notes that the affidavit states that the dot signifies that the phone was inside the house, but omitted the information that the Find My application also had shown the phone at other locations before it registered at Plaintiff's house. The affidavit states only that the Find My application pinged at Plaintiff's house, with the "first ping" at 1124 hours, the "last ping" at 1555 hours, and "[d]uring this time the phone had not moved." Thus, the information in the affidavit was incomplete and questions exist as to the representation that the Find My application signified that the phone was in the house, when that representation was coupled with omissions. And as discussed in greater detail below, the statement about what the Find My application signified is material, as

information from the Find My application provided the sole basis for issuance of the warrant.

Second, the affidavit represented that Defendants had reason to believe that the stolen truck was at the house. But the Find My application did not indicate anything about the presence of the truck; only that other stolen property could be located at the house. And the affidavit also acknowledged that stolen vehicles are often abandoned after a short period of time and that thieves will often abandon the vehicle and retain property inside. No other evidence suggested the presence of the truck at the house, as McDaniel reported to Staab that he did not see the truck when he drove by the house and the truck is not apparent in the surveillance photographs of the house. The Court likewise finds a dispute of fact as to whether it was a material omission for Defendants to omit that a police surveillance team did not see evidence of the truck at the house or other evidence of suspicious activity, as this would have highlighted the lack of other evidence relating to the truck.<sup>6</sup>

The Court acknowledges that finding disputed questions as to a whether a false representation was made about what the dot “signif[ied]” and the presence of the truck rests on a fine parsing of the language in the affidavit. And to be sure, it is a close call as to whether questions of fact exist on these points. Nonetheless, there is

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<sup>6</sup> The Court acknowledges Staab’s testimony that he does not know when he spoke with the surveillance team in relation to the preparation of his affidavit. But it is undisputed that the surveillance photos were attached to the affidavit, and therefore, there are questions of fact as to when Staab spoke with surveillance team and whether he should have included this information in the affidavit.

room for a difference of opinion as to whether the statements were accurate, making the question of whether there was a misrepresentation one for the jury.

Defendants contend that there is no evidence that they intentionally or recklessly made false statements, and they emphasize the good faith, reasonable basis for their representation, including that the Find My application produced Plaintiff's address and no other address. But as described above, Colorado authorities suggest that probable cause may be lacking based on even a negligent statement. *Reed*, 56 P.3d at 99. And here, undisputed facts show that Defendants harbored doubts as to whether the iPhone pings indicated that the phone was at the house at the time the affidavit and warrant were drafted. Even if the statement about what the screenshot signified was interpreted as good faith opinion, the same genuine disputes of fact preclude the entry of summary judgment. *See Young*, 785 P.2d at 1309 (holding that if an "opinion proves incorrect[,] the statement is 'false' for the purpose of a veracity challenge to an affidavit for a warrant"). Whether Defendants' beliefs were reasonable is "a classic jury issue." *DeLoach v. Bevers*, 922 F.2d 618, 623 (10th Cir. 1990) (internal quotations omitted).

The Court, therefore, finds questions of fact as whether false representations and/or omissions were made in the affidavit.

### **C. Probable cause based on a "reformed" affidavit**

The parties vigorously dispute whether the alleged false statements or omissions are material. Plaintiff contends that after excising the false statements and inserting the omissions, the warrant affidavit did not support probable cause.

Defendants argue that, notwithstanding any questions of fact, summary judgment is appropriate because the resulting affidavit still would have supported probable cause.

Defendant Buschy also contends the Court should give deference to the magistrate's determination of probable cause. Plaintiff argues that when the Court evaluates whether misstatements or omissions are material, and consequently evaluating whether probable cause exists as to the fictional, reformed affidavit, no deference is required.

On the latter dispute, the Court agrees with Plaintiff's position. Colorado courts considering the materiality of misstatements or omissions routinely evaluate de novo whether a reformed affidavit would have supported probable cause. *See, e.g., Dailey*, 639 P.2d at 1075-76. Persuasive authority addresses why deference is not required in these circumstances. *See Velardi*, 40 F.3d at 574 n.1 (“[O]ur review of the ‘corrected affidavit’ in this context differs from judicial review of a probable cause determination by a magistrate on the basis of truthful affidavits. . . . [W]here officers procuring a warrant have deliberately misled the magistrate about relevant information, no magistrate will have made a prior probable cause determination on the basis of the ‘corrected affidavits.’ In such circumstances, we do not review a magistrate’s prior determination of probable cause . . . .” (internal citations omitted)).

Turning to the merits, an affidavit reformed to correct misstatements and omissions would provide the following:

- Photos of the property and the screenshot from McDaniel's Find My application with the dot depicted on the house and identification of Plaintiff's address;
- McDaniel's use of the Find My application showed the phone in a variety of locations before it arrived at the house on Worcester Street;
- Stolen property such as firearms, drones, and cellular telephones are easily transportable;
- The phone was pinging at Plaintiff's house when McDaniel drove by;
- McDaniel received a ping from the iPhone at 11:24 AM and 3:55 PM on January 3;
- According to McDaniel, between 11:24 and 3:55 on January 3, the phone had not moved;
- McDaniel used the Find My application in the past with an accuracy of five feet;
- Staab was not familiar with the Find My application technology and lacked understanding, experience, or training with the application, including as to the meaning of the wider circle on the screenshot;
- McDaniel drove past the property and did not see the stolen truck but it could have been in the garage;
- Undercover officers observed the property and did not see the stolen truck or other evidence of criminal activity;

- Stolen vehicles are often abandoned after a short period of time and that thieves will often abandon the vehicle and retain property inside.

The Court finds this to be a very close determination. Nonetheless, viewing all facts in the light most favorable to Plaintiff, the Court finds genuine disputes of material fact exist regarding whether a reformed affidavit could support probable cause. Excising that the dot signified the presence of the phone in the house coupled with other facts, which cast doubt on the reliability of the Find My application and highlight the lack of other evidence results in an affidavit on which reasonable persons could hold different opinions about whether the probable cause standard was met. Therefore, summary judgment is improper.

#### **IV. Conclusion**

For the reasons previously stated, Defendants' motions for summary judgment are DENIED.

**SO ORDERED** this 13th Day of February, 2024.

**BY THE COURT**



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STEPHANIE L. SCOVILLE  
Denver District Court Judge