

DISTRICT COURT, DENVER COUNTY, COLORADO		DATE FILED September 15, 2026 11:21 AM CASE NUMBER: 2022CV33434 △ COURT USE ONLY △ Case Number: 2022CV33434 Division: 269 Courtroom:
Court Address: 1437 BANNOCK STREET, RM 256, DENVER, CO, 80202		
Plaintiff(s) RUBY JOHNSON v. Defendant(s) GARY STAAB et al.		
Order: Denying Defendants Gregory Buschy's and Gary Staab's Motions for Summary Judgment		

This matter is before the Court on Defendants' motions for summary judgment. The Court has reviewed the briefing, exhibits and other evidence submitted by the parties on these motions. The Court has also reviewed the entire file in this matter and the applicable authorities, including the Court of Appeals opinion in this matter, *Johnson v. Staab*, 571 P.3d 939 (Colo. App. 2025).

Defendants contend that the undisputed facts show that there are no false statements in the affidavit supporting the search warrant. Defendants contend that they acted in good faith and, if anything, they acted only negligently. Defendants contend that they are entitled to summary judgment as a matter of law because good faith conduct or merely negligent conduct does not violate Art. II, section 7 of the Colorado Constitution. See *People v. Dailey*, 639 P.2d 1068, 1074 (Colo. 1982); and *People v. Reed*, 56 P.3d 96, 99 (Colo. 2002).

Plaintiff responds with evidence disputing Defendants' characterization of their handling of the search warrant affidavit. Plaintiff argues that a reasonable jury could find that Defendants included materially false statements in the affidavit, omitted material information and that Defendants acted knowingly and recklessly in their handling of the affidavit supporting the search warrant.

Upon review of all of the briefing and exhibits and testimony provide by counsel for the parties, the Court determines that there are disputed issues of material fact that must be decided at trial as to whether Defendants included materially false statements or omitted material information in the affidavit supporting the search warrant. There are also disputed issues of material fact as to whether Defendants acted knowingly or recklessly. Therefore, the Court denies the motions for summary judgment.

Issue Date: 9/15/2026



ANDREW PATRICK MCCALLIN
District Court Judge