

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 20-cv-01878-RBJ (consolidated with No. 20-cv-1922-REB-MEH)

ELISABETH EPPS,
ASHLEE WEDGEWORTH,
AMANDA BLASINGAME,
MAYA ROTHLEIN,
ZACH PACKARD,
HOLLIS LYMAN,
CIDNEY FISK,
STANFORD SMITH,
SARA FITOURI,
JACQUELYN PARKINS,
KELSEY TAYLOR,
JOE DERAS,
JOHNATHEN DURAN, and
CLAIRE SANNIER,

Plaintiffs

v.

CITY AND COUNTY OF DENVER,
JONATHAN CHRISTIAN,
KEITH VALENTINE,
CITY OF AURORA,
MATTHEW BRUKBACHER,
PATRICIO SERRANT,
DAVID MCNAMEE,
CORY BUDAJ,
ANTHONY HAMILTON, and
TIMOTHY DREITH,

Defendants.

AMENDED FINAL JUDGMENT PURSUANT TO RULE 58

In accordance with the orders filed during the pendency of this case, and pursuant to Fed. R. Civ. P. 58(a), the following Final Judgment is hereby entered.

The claims of plaintiffs Elisabeth Epps, Ashlee Wedgeworth, Amanda Blasingame, Maya Rothlein, Zachary Packard, Hollis Lyman, Stanford Smith, Cidney Fisk, Sara Fitouri, Jacquelyn Parkins, Kelsey Taylor, Joe Deras, and Claire Sannier against the defendant City and County of Denver, together with Elisabeth Epps's individual claim against former Denver Police Department Officer Jonathan Christian, exclusive of claims against the defendant City and County of Denver arising from curfew violations, were tried before a jury of eight duly sworn between March 7 and March 25, 2022, with Senior U.S. District Judge R. Brooke Jackson presiding, and the jury rendered a verdict (ECF No. 343).

IT IS ORDERED that judgment is entered in favor of the defendants and against plaintiff Cidney Fisk as to all her claims, which were dismissed with prejudice.

IT IS FURTHER ORDERED that judgment is entered in favor of plaintiffs Claire Sannier, Stanford Smith, Zachary Packard, Sara Fitouri, Maya Rothlein, Amanda Blasingame, Joe Deras, Kelsey Taylor, Jacquelyn Parkins, Elisabeth Epps, and Hollis Lyman and against defendant City and County of Denver as to those plaintiffs' First Amendment and Fourth Amendment claims. Judgment is entered in favor of Ashlee Wedgeworth and against defendant City and County of Denver as to her First Amendment claim. Judgment is entered in favor of defendant City and County of Denver and against Ashlee Wedgeworth as to her Fourth Amendment claim. Judgment is entered in favor of plaintiff Elisabeth Epps and against defendant Jonathan Christian as to her Fourth Amendment claim. Judgment is entered in favor of defendant Jonathan Christian and against plaintiff Elisabeth Epps as to her First Amendment claim.

IT IS FURTHER ORDERED that compensatory damages were awarded by the jury in the amounts of \$3,000,000.00 as to plaintiff Zachary Packard; \$1,000,000.00 as to plaintiff Claire Sannier; \$1,000,000.00 as to plaintiff Stanford Smith; \$1,000,000.00 as to plaintiff Sara Fitouri; \$1,000,000.00 as to plaintiff Maya Rothlein; \$1,000,000.00 as to plaintiff Amanda Blasingame; \$1,000,000.00 as to plaintiff Hollis Lyman; \$1,000,000.00 as to plaintiff Joe Deras; \$1,000,000.00 as to plaintiff Kelsey Taylor; \$1,000,000.00 as to plaintiff Jacquelyn Parkins; \$1,000,000.00 as to plaintiff Elisabeth Epps; and \$750,000.00 as to plaintiff Ashlee Wedgeworth, and judgment in those amounts to those individuals is entered.

IT IS FURTHER ORDERED that defendant City and County of Denver's motion for judgment as a matter of law, or a new trial, or remittitur (ECF No. 373), is DENIED.

IT IS FURTHER ORDERED that defendant Jonathan Christian's motion for judgment as a matter of law, or a new trial (ECF No. 374), is DENIED.

IT IS FURTHER ORDERED that defendant Johnathan Christian's motion for remittitur of the jury's \$250,000.00 punitive damages award to plaintiff Elisabeth Epps is GRANTED. The Court orders that the punitive damages award be remitted to \$50,000.00. This amount having been accepted by plaintiff Elisabeth Epps (ECF No. 430), judgment in that amount on the punitive damages award is entered.

IT IS FURTHER ORDERED that in the discretion of the Court, pre-judgment interest to Zachary Packard is awarded on his \$181,000.00 in economic damages at the applicable federal post-judgment interest rate of 4.45% from May 31, 2020 to the date of entry of this final judgment.

IT IS FURTHER ORDERED that as the prevailing party, the *Fitouri* plaintiffs are awarded costs in the amount of \$18,770.44 pursuant to 28 U.S.C. § 1920, Fed. R. Civ. P. 54(d)(1), and D.C.COLO.LCivR 54.1. As the prevailing party, the *Epps* plaintiffs are awarded costs in the amount of \$44,851.23 pursuant to 28 U.S.C. § 1920, Fed. R. Civ. P. 54(d)(1), and D.C.COLO.LCivR 54.1.

IT IS FURTHER ORDERED that in the discretion of the Court, attorneys' fees are awarded to the *Fitouri* Plaintiffs in the amount of \$1,193,071.00 and costs under 42 U.S.C. § 1988 in the amount of \$3,942.72. Attorneys' fees are awarded to the *Epps* Plaintiffs in the amount of \$1,663,232.00 and costs under 42 U.S.C. § 1988 in the amount of \$27,494.67.

IT IS FURTHER ORDERED that post-judgment interest, pursuant to 28 U.S.C. § 1961, is awarded to the plaintiffs on the damages awards and award of attorneys' fees and costs at the federal rate applicable at the time this final judgment is entered.

IT IS FURTHER ORDERED that judgment is entered in favor of defendants Anthony Hamilton and Timothy Dreith and against plaintiff Joe Deras as to his First Amendment and Fourth Amendment claims for the reasons set forth in the Court's summary judgment ruling of February 22, 2022 (ECF No. 298).

IT IS FURTHER ORDERED that judgment is entered in favor of defendant Keith Valentine and against plaintiff Elisabeth Epps as to her First Amendment and Fourth Amendment claims for the reasons set forth in the Court's summary judgment ruling of March 1, 2022 (ECF No. 304).

IT IS FURTHER ORDERED that judgment is entered in favor of defendant Matthew Brukbacher and against plaintiff Zachary Packard's First, Fourth, and Fourteenth Amendment claims and in favor of defendants City of Aurora, David McNamee, and Patricio Serrant and against plaintiff Zachary Packard as to his First Amendment claim for the reasons set forth in the Court's summary judgment ruling of September 23, 2023 (ECF No. 429).

IT IS FURTHER ORDERED that judgment is entered in favor of defendants City of Aurora and Cory Budaj and against plaintiff Johnathen Duran as to his First Amendment claim for the reasons set forth in the Court's summary judgment ruling of September 23, 2023 (ECF No. 429).

All of the other claims in this matter were finally dismissed or resolved by Notice of Voluntary Dismissal, Stipulation, or approval of settlement by this Court. (ECF Nos. 33, 47, 108, 211, 221, 280, 305, 311, 502, 503, 512, 513, 522, 525).

Dated at Denver, Colorado this 29th day of August, 2024.

FOR THE COURT:
JEFFREY P. COLWELL, CLERK

By: s/J. Dynes
Deputy Clerk

APPROVED BY THE COURT:



R. Brooke Jackson
Senior United States District Judge