

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Senior District Judge Richard P. Matsch

Civil Action Number 05-cv-01016-RPM

MICHAEL L. ZINNA,

Plaintiff,

v.

BOARD OF COUNTY COMMISSIONERS OF JEFFERSON COUNTY, COLORADO,
JAMES CONGROVE, individually and in his official capacity as Chairman of the Board
of County Commissioners of the County of Jefferson and Jefferson County
Commissioner, District 1,
J. KEVIN McCASKY, individually, and in his official capacity as Jefferson County
Commissioner, District 2,
DAVID AUBURN, individually, and in his official capacity as Jefferson County
Commissioner, District 3,
TED MINK, individually, and in his official capacity as Jefferson County Sheriff,
PATRICK THOMPSON, individually, and in his official capacity as Jefferson County
Administrator,
ELLEN WAKEMAN, individually, and in her official capacity as an Assistant Jefferson
County Attorney,
LILY OEFFLER, individually, and in her official capacity as an Assistant Jefferson
County Attorney,
JOHN THIRKELL, individually, and in his official capacity as an Assistant Jefferson
County Attorney,
JEANNE P. BERGMAN, individually, and in her official capacity as a former Law Clerk
to Judge James T. Zimmerman, First Judicial District of Colorado, and as an Assistant
Jefferson County Attorney,
DAN BRINDLE, individually, and in his official capacity as former Director of Jefferson
County Public Works,
TROY STOVER, individually, and in his official capacity as former Manager of
Jefferson County Airport,
MICHELLE LAWRENCE, individually, and in her official capacity as former Jefferson
County Commissioner,
RICHARD M. SHEEHAN, individually, and in his official capacity as former Jefferson
County Commissioner,
WILLIAM A. TUTHILL III, individually, and in his official capacity as former Jefferson
County Attorney,
CYNTHIA M. BEYER-ULRICH,
individually, and in her official capacity as former
Assistant Jefferson County Attorney,
SUSAN PROSE, individually, and in her official capacity as former Assistant Jefferson
County Attorney,

JOHN MASSON, individually, and in his official capacity as former Jefferson County Public Information Officer,
CHARLES MONTOYA, individually, and in his official capacity as former Jefferson County Finance Director,
SHERI SHEEHAN, citizen of Jefferson County, Colorado, and
DOES 150, citizens of the State of Colorado,

Defendants.

ORDER DENYING MOTIONS FOR SANCTIONS BY DISMISSED DEFENDANTS

The following motions for sanctions are pending.

- #15 Defendants Jefferson County, James Congrove, J. Kevin McCasky, David Auburn, Ted Mink, Parick Thompson, Ellen Wakeman, Lily Oeffler, John Thirkell, Dan Brindle, and Michelle Lawrence's Motion for Sanctions,
- #79 Motion for Sanctions filed by Sheri Sheehan,
- #80 Defendant Richard M. Sheehan's Joinder in Co-Defendants' Motion for Sanctions,
- #81 Defendant Cynthia Beyer-Ulrich's Motion to Joint in motion for Sanctions and
- #112 Jefferson County Sheriff Ted Mink's and County Administrator Jim Moore's Motion for Attorneys' Fees and Costs.

All of the defendants filing and joining these motions have been dismissed from this civil action. The Court did not rule on the motions before trial of the sole surviving claim under 42 U.S.C. § 1983 against the defendant James Congrove. That trial has now been completed and the jury returned a verdict for the plaintiff. After hearing the testimony over seven days of trial, and considering the discovery required to determine who may have been responsible for the adverse actions taken by Jefferson County affecting Michael Zinna and the publications on the website *Colorado Wacko Exposed.com*, the Court is unable to say that the allegations made against the moving

defendants by the plaintiff's previous counsel, Chris Paulsen, were frivolous and completely lacking in support. Accordingly, it is

ORDERED that the motions are denied.

DATED: December 10th, 2009

BY THE COURT:

s/Richard P. Matsch

Richard P. Matsch, Senior District Judge