

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO**

**Civil Action No. 09-cv-02197-RPM  
(Consolidated with 10-cv-00629-RPM)**

**NATHAN ACKS;  
TIFFANY BRAY;  
CHASE GOLL;  
ELI HARDY;  
AMINAH MASUD;  
IAN MORRISON;  
BLAKE PENDERGRASS;  
KIM SIDWELL; and  
JACOB STERNBERG**

**Plaintiffs,**

**v.**

**CITY AND COUNTY OF DENVER;  
DEBORAH DILLEY, a Commander with the Denver Police Department, in her individual capacity;  
JOHN DOE, whose true name is currently unknown, in his individual capacity;  
ANTHONY FOSTER, a Sergeant with the Denver Police Department, in his individual capacity;  
ANTHONY MARTINEZ, a Sergeant with the Denver Police Department, in his individual capacity; and  
WILLIAM LOVINGIER, Undersheriff with the Denver Police Department, in his individual capacity;**

**Defendants.**

---

**ORDER GRANTING  
PLAINTIFFS' MOTION FOR CLASS CERTIFICATION**

---

This matter is before the Court on Plaintiffs' Motion for Class Certification on their third claim for relief for violation of C.R.S. § 16-3-404(1). Having been fully briefed and oral argument conducted, this Court GRANTS Plaintiffs' Motion.

The class certified by this Court is defined as follows: “All individuals arrested on the evening of August 25, 2008, on 15<sup>th</sup> Street between Court and Cleveland Place in downtown Denver who were subsequently detained and refused access to counsel at Denver’s Arrest Processing Site in violation of C.R.S. § 16-3-404(1).” The proposed class will be certified pursuant to Fed.R.Civ.P. 23(b)(2). Consequently, at this time, no notice will be sent to the class regarding this Order.

Dated this 26<sup>th</sup> day of August, 2010.

**BY THE COURT:**

**s/Richard P. Matsch**

---

Richard P. Matsch, Senior District Judge