

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 92-N-870 (OES) (Consolidated for all purposes with Civil Action No. 96-N-343)

JESSE MONTEZ, et al.

Plaintiffs,

-vs.-

BILL OWENS, et al.

Defendants.

FILED
UNITED STATES DISTRICT COURT
DISTRICT OF COLORADO

FEB 14 2006

GREGORY C. LANGHAM
CLERK

**FOURTH REPORT AND RECOMMENDATION OF THE SPECIAL MASTERS TO
UNITED STATES DISTRICT JUDGE EDWARD W. NOTTINGHAM AND SENIOR
UNITED STATES DISTRICT JUDGE JOHN L. KANE**

THIS MATTER comes before the Special Masters on their own motion. An issue has arisen that is beyond the jurisdiction of the Special Masters. This issue relates to the provisions of the Remedial Plan and will have to be resolved by a United States District Judge.

The Remedial Plan provides in Section XXXII that any inmate or former inmate has the right to file a claim seeking damages or other relief if that claimant is disabled and has been subjected to discrimination prohibited by the Americans with Disabilities Act and Rehabilitation Act. The claimant must meet one or more of the definitions of disability set forth in the Remedial Plan. Once a claim is filed, it is to be adjudicated by one of the Special Masters.

Documents have been received by the Special Masters from three claimants: Steven Paul Walker; James Rudnick; and Jose Luis Dole. Each of these individuals has successfully prosecuted his claim and been awarded damages or other relief. Each of these individuals has indicated in his documents to the Special Masters that he has not received his damages or all of what he was

awarded. Each has requested action by the Special Masters to enforce the final order that was entered on his behalf.

Section XXXII of the Remedial Plan provides no mechanism for enforcement of an award. The Special Masters do not have contempt power nor can they direct entry of a judgment in favor of a claimant. The Special Masters have ruled that the Remedial Plan terminates their jurisdiction when the final order is entered.

The Special Masters do not believe that they can exercise any further power under the Remedial Plan to enforce the final orders entered on behalf of these three claimants. Enforcement of the final orders will have to come from the Court.

IT IS HEREBY RECOMMENDED that this Court review each of the requests of these three claimants who have been successful in their claims and enter appropriate orders relating to enforcement of the final orders entered on their behalf by the Special Masters.

SIGNED this 13 day of February, 2006.

BY THE COURT:



Richard M. Borchers
Special Master

Bruce D. Pringle
Richard C. Davidson
Special Master

CERTIFICATE OF MAILING

I hereby certify that I have mailed a copy of the foregoing Order of Special Master this 13th day of February, 2006 to the following:

Mr. Stephen Paul Walker
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P.O. Box 1000
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Mr. Jose Luis Dole
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