

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge William J. Martínez

Civil Action No. 09-cv-00858-WJM-MEH

EBONIE S., a child, by her mother and next friend, MARY S.

Plaintiff,

v.

PUEBLO SCHOOL DISTRICT 60,
MARILYN GOLDEN, Teacher, in her official and individual capacities,
GARY TRUJILLO, Principal, in his official and individual capacities,
MARY JO BOLLINGER, Executive Director of Exceptions Student services,
in her official and individual capacities,
LOUISE RIVAS, paraprofessional, in her official and individual capacities,
SHARRON WELLS, paraprofessional, in her official and individual capacities,
ISABEL SANCHEZ, paraprofessional, in her official and individual capacities,
AUDRA MARTINEZ, paraprofessional, in her official and individual capacities, and
KRISTEN POTTER, paraprofessional, in her official and individual capacities,

Defendants.

JUDGMENT PURSUANT TO FED. R. CIV. P. 54(b)

PURSUANT TO and in accordance with the Order Regarding Motions for
Summary Judgment, entered by the Honorable William J. Martínez, United States
District Judge, on May 3, 2011,

IT IS ORDERED that Defendant Golden's Motion for Summary Judgment
(Doc No. 81) is GRANTED.

IT IS FURTHER ORDERED that the School Defendants' Motion for Summary
Judgment (Doc No. 80) is GRANTED in part and DENIED in part.

Judgment is hereby entered against Plaintiff as follows:

A) In favor of Defendants Golden, Trujillo, Bollinger, Rivas, Wells, Sanchez, Martinez, and Potter on all claims; and

B) In favor of Pueblo School District 60 (the "School District") on Plaintiff's Fourth Amendment, procedural due process, equal protection and supervisory liability claims.

IT IS FURTHER ORDERED that the two statutory claims based on allegedly discriminatory practices in violation of the Americans with Disabilities Act, 42 U.S.C. § 12131 *et seq.* ("ADA"), and § 504 of the Rehabilitation Act, 29 U.S.C. § 794 ("Rehabilitation Act."), remain pending against the School District.

PURSUANT TO and in accordance with the Order on Plaintiff's Motion For Reconsideration Or For Rule 54(b) Certification Or, In The Alternative, Certification Of Interlocutory Appeal Pursuant To 28 U.S.C. § 1292(b) And For Stay Of Proceedings, entered by the Honorable William J. Martínez, United States District Judge, on May 17, 2011,

IT IS FURTHER ORDERED that Plaintiff's Motion for Certification pursuant to Fed. R. Civ. P. 54(b) is GRANTED.

IT IS FURTHER ORDERED that Plaintiff's Motion for Stay of Proceedings on the remaining two statutory claims against the School District is GRANTED pending a decision and remand by the Tenth Circuit Court of Appeals.

Dated at Denver, Colorado this 19th day of May, 2011.

FOR THE COURT:

GREGORY C. LANGHAM, CLERK

By: s/ Edward P. Butler
Edward P. Butler, Deputy Clerk