

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

Civil Action Number: 12-cv-02682-JLK

JAMAL HUNTER,

Plaintiff,

v.

The CITY AND COUNTY OF DENVER, a municipality;
Deputy GAYNEL RUMER, in his individual and official capacities; and
Deputy EDWARD KELLER, in his individual and official capacities,

Defendants.

**MOTION FOR ADDITIONAL SANCTIONS AGAINST DEFENDANT CITY AND
COUNTY OF DENVER AND REQUEST FOR HEARING**

Plaintiff Jamal Hunter, pursuant to Rule 37 of the Federal Rules of Civil Procedure and this Court's inherent authority, by and through counsel Qusair Mohamedbhai, Matthew J. Cron, Arash Jahanian, and Siddhartha H. Rathod of RATHOD | MOHAMEDBHAI LLC, hereby submits this Motion for Additional Sanctions Against Defendant City and County of Denver and Request for Hearing, and in support thereof states as follows:

CERTIFICATION PURSUANT TO D.C.COLO.LCivR.7.1

Plaintiff's counsel conferred with counsel for all Defendants regarding this Motion on June 24, 25, and 26, 2014. Defendants City and County of Denver and Keller oppose the relief sought by this Motion. Defendants Rumer and Keller have expressed concern

regarding the prejudice caused to them by any sanctions the Court may impose upon Defendant City and County of Denver.

I. INTRODUCTION

On June 23, 2014, Plaintiff Jamal Hunter obtained, through a subpoena *duces tecum*, documents that Defendant City and County of Denver (“Denver”) had not produced despite this Court’s specific Orders and Plaintiff’s specific written discovery requests. These documents show that key witness Amos Page was threatened approximately one month after the Denver City Attorney’s Office implored the Denver Police Department’s Internal Affairs Bureau (“DPD IAB”) to interview the inmate affiants in this case for the purpose of defending this lawsuit. The City Attorney’s Office characterized the inmate affidavits as “contrived” and “an attack on Denver, its law enforcement agencies and the Denver jails.” **Ex. 1**, 2014.02.07 *Thomas-Cotter Email*; **Ex. 2**, 2014.02.07 *City Attorney’s Office-Cotter Email*. This Court need only review these two documents to understand the severity of misconduct alleged in this Motion.

When Defendant Denver responded to this Court’s request for an explanation of why Denver police officers were conducting a new internal affairs investigation related to this case, it made no mention of these improper communications between the Denver City Attorney’s Office and the DPD IAB investigators. The threats made by the DPD IAB officers against Mr. Page occurred as the predictable consequence of these communications.

These recently obtained documents reveal that Defendant Denver has demonstrated an unwillingness to abide by this Court’s orders and be forthcoming in

response to this Court's inquiries. These documents also demonstrate the existence of other relevant and discoverable materials that have not been produced. There have been a total of three IAB investigations related to this lawsuit, and Plaintiff is justifiably concerned about the extent of the Denver City Attorney Office's interference with these investigations. The apparent relationship between the Denver City Attorney's Office and DPD IAB must be fully explored and closely scrutinized.

Furthermore, this Court can no longer trust DPD IAB to function as an independent police agency. Plaintiff therefore requests that this Court order the complete production of all Denver Sheriff's Department and Denver Police Department Internal Affairs Bureau files, as they are kept in the usual course of business, including all their communications with the Denver City Attorney's Office, from the last seven years, and that these documents not be subject to any protective order. Plaintiff also requests that the Denver City Attorney's Office be enjoined from contacting any party, witness, or counsel or otherwise participating in this case. Finally, Plaintiff requests leave to conduct depositions of DPD IAB Commander Ron Thomas and a representative of the City Attorney's Office, in addition to any other sanctions the Court believes are appropriate.

II. FACTUAL BACKGROUND

A. Discovery Regarding IAB Files

On January 28, 2014, Plaintiff Jamal Hunter filed, with his responses to Defendants' motions for summary judgment, affidavits of 14 inmates alleging misconduct within the Denver Detention Center related to the brutal assault on Jamal Hunter on July 18, 2011. *See* [ECF Nos. 52, 56]. As a result of these allegations,

Defendant Denver purportedly launched a criminal investigation of Defendant Rumer, to be conducted by DPD IAB.¹

On February 8, 2014, Plaintiff's counsel sent a letter to the Denver City Attorney's Office to request discovery regarding the new DPD IAB investigation of which Plaintiff's counsel had been verbally informed. **Ex. 3**, *2014.02.08 Mohamedbhai-City Attorney's Office Letter*.² The City Attorney's Office responded on February 24, 2014 with an email asserting the deliberative process privilege as to an ongoing IAB investigation. **Ex. 5**, *2014.02.08-24 City Attorney's Office-Mohamedbhai Email Chain*. In this email, the City Attorney's Office further stated:

I am not involved in the investigations nor am I privy to the internal workings of the investigations. I haven't seen investigation reports or witness statements. When the IAB matters are concluded, the materials will be disclosed in the same manner as materials were previously disclosed regarding a concluded IAB matter.

Id.

During the May 13, 2014 Scheduling Conference, Plaintiff's counsel raised with the Court Defendant Denver's withholding of DPD IAB documents on the basis of deliberative process privilege, which resulted in the following colloquy:

THE COURT: Well, let me just cut this short. The City Attorney's Office is well aware that they pa[id] \$10,000 for that same position, during the Wellington Webb administration, and I had all of the Denver Police

¹ The Denver Sheriff's Department had previously conducted its own IAB investigation and suspended Defendant Rumer for 40 days for knowingly making a misleading or inaccurate statement, engaging in conduct prejudicial to DSD, and disobeying department rules. *See* [ECF No. 52 at 32].

² Plaintiff had previously issued written discovery requests for internal affairs files related to Plaintiff, claims in the case, and individual Defendants. **Ex. 4**, *Plaintiff's First Set of Discovery Requests to Defendant Denver* at 13, 14, 16.

Department internal affairs files brought here and placed under the jurisdiction of a special master, and I am prepared to do that again if there's any effort by internal affairs bureau, the sheriff's office or the police department to stonewall; that's just not going to be tolerated.

MR. MOHAMEDBHAI: All right.

THE COURT: I'm not saying it is. I'm just – you know as well as I do what I have done, and I will do it again.

MR. SHAPIRO: No. I'm aware of that, Your Honor. The investigation, the last I have heard, is that the Denver Police Department, Internal Affairs Bureau, is doing the investigation. It's still ongoing. It's not complete.

THE COURT: Good for them. It's still discoverable.

Ex. 6, 2014.05.13 Tr.

On May 28, 2014, Defendant Denver produced some DPD IAB materials to Plaintiff. See **Ex. 7**, *Defendant Denver's 14th Supplemental Disclosures*. These documents included a recording of DPD IAB's March 10, 2014 interview with Amos Page, which this Court found "to show a deliberate process of intimidation of . . . an essential witness to this case." **Ex. 8**, 2014.06.06 Tr. at 30. On June 6, 2014, the Court granted Plaintiff's Motion for Sanctions against Defendant Denver arising from this conduct by the DPD IAB officers. *Id.*; [ECF No. 116]. During that hearing, Plaintiff's counsel requested:

a written order admonishing Denver for the abuse of the deliberative process privilege. Had this Court not ordered this, we would not know that any of this occurred. And these IAB investigations that are done under the guise of IAB, they're outside the purview of discovery, apparently. There was never even a disclosure to us that these were occurring.

Ex. 8, 2014.06.06 Tr. at 17-18.

Although the Court did not make this specific order, it did order, among other things, that “[t]he City and County of Denver shall produce to Plaintiff all records involving this case, including interviews of affiants, **records of the Denver Police Department internal affairs office, including notes, recordings, e-mails, and correspondence**, no later than June 16, 2014.” [ECF No. 116 at 2] (emphasis added). The Court also allowed Plaintiff to depose the two DPD IAB officers who had interviewed Mr. Page, with fees and cost to be paid by Defendant Denver. *Id.* at 3. On June 16, 2014 Defendant Denver produced two drafts of the DPD IAB’s Case Investigation Summary Report related to the investigation of Defendant Rumer, along with documents related to the Denver Sheriff Department’s internal affairs investigation of Defendant Edward Keller. **Ex. 9**, *Defendant Denver’s 15th Supplemental Disclosures*.

B. The Denver Police Department’s Participation in the IAB Investigation of Deputy Rumer

During the June 6, 2014 sanctions hearing, the Court repeatedly asked why DPD IAB was investigating this case instead of the Denver Sheriff’s Department’s Internal Affairs Bureau. *See Ex. 8*, *2014.06.06 Tr.* at 6-7, 20, 28 (“I for the life of me do not understand and have not yet received an explanation of why the Denver Police Department Internal Affairs Bureau was even involved in this matter, or at whose direction, because the Denver Sheriff’s Office has its own internal affairs investigative procedures.”). The Court indicated that it might impose additional sanctions depending on Defendant Denver’s explanation of DPD IAB’s involvement. *Id.* at 33.

On June 12, 2014, Defendant Denver responded to the Court’s inquiry by submitting affidavits from Denver Sheriff Gary Wilson, Independent Monitor Nicholas Mitchell, and DPD IAB Commander Ron Thomas [ECF Nos. 122, 122-1, 122-2, 122-3]. Sheriff Wilson attested that, after consulting with Independent Monitor Mitchell, he referred the allegations of criminal conduct against Defendant Rumer to DPD for investigation in accordance with normal procedure. [ECF No. 122-1 ¶ 8]. Independent Monitor Mitchell attested that he recommended to Sheriff Wilson that DPD IAB conduct an investigation into the criminal allegations made against Deputy Rumer, and that he conveyed to Commander Thomas that any investigation should focus on the allegations of criminal behavior by Deputy Rumer.³ [ECF No. 122-2 ¶¶ 13-14]. Commander Thomas added that “[w]hen allegations which are criminal in nature are made against a Denver sheriff deputy . . . they are referred to the Denver Police Department to conduct an investigation into the criminal allegations through its DPD Internal Affairs Bureau.” [ECF No. 122-3 ¶5].

C. Documents Produced by Sergeant Cotter in Response to Subpoena

Pursuant to the Court’s June 6, 2014 Order, Plaintiff’s counsel issued subpoenas to DPD IAB Sergeants Brian Cotter and Brad Lenderink to testify and produce documents related to their investigation. **Ex. 10**, *Cotter and Lenderink Subpoenas*. On June 23, 2014, Sergeant Cotter appeared for his deposition and produced documents including communications with Commander Thomas and the City Attorney’s Office. After

³ Independent Monitor Mitchell “did not at any point recommend that DPD IAB conduct a criminal investigation into the behavior of the inmate affiants in this lawsuit.” *Id.* ¶ 15.

Defendant Denver asserted attorney-client privilege over some of these communications, the Court ordered their production and the submission of a privilege log by Defendant Denver.

These documents largely form the basis of this Motion and are crucial to understanding the nature of the DPD IAB investigation and the City Attorney's Office involvement therein. On February 7, 2014, the day after the investigation commenced, *see* **Ex. 11**, *2014.02.13-14 Email Chain*,⁴ the City Attorney's Office called Commander Thomas to discuss the investigation. **Ex. 1**, *2014.02.07 Thomas-Cotter Email*. In an email to Sergeant Cotter, Commander Thomas conveyed that the City Attorney's Office had "a vested interest in the outcome of [the] investigation" and "strongly believes that the information recently presented is contrived." *Id.*

Later that day, the City Attorney's Office sent an email to Sergeant Cotter, with Commander Thomas carbon-copied. **Ex. 2**, *2014.02.07 City Attorney's Office-Cotter Email*. The City Attorney's Office stated that "[t]he DPD IA investigation may be the only opportunity to question these inmates" and further commented: "If the affidavits were accurate, wouldn't others working in pod 3A have noticed something very wrong."

Id. The email concluded:

The affidavits paint an egregious picture. They are an attack on Denver, its law enforcement agencies and the Denver jails. If allegations in the affidavits were true, it would be a very serious situation. The IAB investigation will be greatly important to Denver and its residents, and the public at large. Please feel free to call or email for any assistance that we may provide.

⁴ Other documents reflect that the investigation started on February 4 rather than February 6. *See* **Ex. 5**, *2014.02.24 Shapiro-Mohamedbhai Email*.

Id.

On February 13, 2014, the City Attorney's Office contacted Commander Thomas to request information related to Plaintiff's counsel's February 8 letter. **Ex. 11**, *2014.02.13-14 Email Chain*. Commander Thomas then asked Mary Dulacki, Records Coordinator for the City and County of Denver, what information he could provide to the City Attorney's Office. *Id.* Commander Thomas communicated that the City Attorney's Office "is representing the city in a lawsuit and thinks we're going to turn over what we find to assist with [its] defense." *Id.* After receiving instruction from Ms. Dulacki that "[t]o protect the integrity of the ongoing investigation, no communications, documents, etc. will be provided at this time," Commander Thomas responded with basic information on the case, and again conveyed that the City Attorney's Office "seemed to want us to interview [the inmate affiants] so [it] could know what information they had that could assist [it] with [its] defense." *Id.*

The City Attorney's Office continued to try to insert itself into the DPD IAB investigation. On March 28, 2014, after providing deposition transcripts to Sergeant Cotter at his request, the City Attorney's Office asked, "Will you be interviewing the 14 inmates who signed affidavits?" **Ex. 12**, *2014.03.21-28 Email Chain*. Sergeant Cotter responded: "I've interviewed a few of them as well as inmates who were in the POD but didn't file affidavits." *Id.* On May 15, 2014, the District Attorney refused to prosecute Defendant Rumer, providing the following reasoning: "Credibility issues. Plus, ~~old~~

allegations re 2011 conduct → statute of limitations problems – inmates not specific re dates.” **Ex. 13**, 2014.05.15 D.A. Case Filing Form (strikeout in original).

On May 30, 2014, the Court granted the City Attorney’s Office’s motion to withdraw from its representation of Defendants Denver and Keller due to a conflict of interest. [ECF No. 104; 105]. As part of its June 6, 2014 Order issuing sanctions against Defendant Denver, the Court ordered that “[t]he Denver Police Department is immediately and permanently enjoined from any and all . . . consultation . . . including any action by its Internal Affairs Bureau, until judgment is entered in this case.” The Court further ordered that DPD IAB “will not have any contact with the witnesses . . . and they will not be permitted under any circumstance to communicate with Defendants’ counsel” [ECF No. 116]. Sergeant Lenderink testified during his June 25, 2014 deposition⁵ that several days after the Court’s Order, he received a telephone call from the City Attorney’s Office. Further, the City Attorney’s Office communicated with Sergeant Lenderink via email on June 11 and 13, 2014. **Ex. 14**, 2014.06.11-13 City Attorney’s Office-Lenderink Email Chain.

At their depositions on June 23 and 25, 2014, Sergeants Cotter and Lenderink testified that they were not influenced by the communications from the City Attorney’s Office. However, they also testified that they found the communications to be inappropriate and intended to influence their investigation.

⁵ The transcripts of Sergeants Cotter’s and Lenderink’s depositions are not yet available.

D. Timeline of Relevant Events

The emails produced by Sergeant Cotter help present a complete timeline of events in this case that include the related DPD IAB investigation:

January 28, 2014	Plaintiff files inmate affidavits with his summary judgment responses.
February 4/6, 2014	DPD IAB investigation is launched.
February 7, 2014	City Attorney's Office contacts Sergeant Cotter and Commander Thomas, asking that they aid in the defense of this lawsuit and representing that the affidavits seem "contrived" and constitute an "attack" on Denver.
February 8, 2014	Plaintiff's counsel requests information regarding the DPD IAB investigation.
February 13, 2014	City Attorney's Office requests information from Commander Thomas.
February 14, 2014	Commander Thomas responds to City Attorney's Office with basic information regarding the DPD IAB investigation.
February 24, 2014	City Attorney provides Plaintiff's counsel with basic information regarding the DPD IAB investigation to Plaintiff but claims no knowledge or involvement.
March 10, 2014	DPD IAB interviews Amos Page and threatens him with criminal prosecution if he testifies in this lawsuit.
March 28, 2014	City Attorney's Office asks Sergeant Cotter if inmate affiants are being interviewed, and receives response.
May 13, 2014	Court orders Defendant Denver to produce all IAB files.
May 15, 2014	District Attorney refuses to prosecute Defendant Rumer, citing among other things "credibility issues" and "statute of limitations problems."
May 28, 2014	Defendant Denver produces first set of DPD IAB documents.
June 6, 2014	Court grants Plaintiff's Motion for Sanctions relating to Amos Page interview and orders all DPD IAB documents produced by June 16, 2014. Court asks for explanation of DPD IAB's involvement.
June 11, 2014	City Attorney's Office sends email to DPD IAB Sergeant Lenderink.
June 12, 2014	Defendant Denver files affidavits stating that DPD IAB was investigating criminal conduct by Defendant Rumer pursuant to standard procedure.
June 13, 2014	City Attorney's Office sends second email to DPD IAB Sergeant Lenderink.

June 16, 2014	Defendant Denver produces drafts of DPD IAB's investigation report concerning Defendant Rumer.
June 23, 2014	Sergeant Cotter produces, pursuant to his subpoena, additional documents related to the DPD IAB investigation of Defendant Rumer that demonstrate involvement by the City Attorney's Office.

III. ARGUMENT

A. Defendant Denver Has Failed to Comply with this Court's Discovery Orders in Violation of Fed. R. Civ. P. 37(b)(2)(A)

Federal Rule of Civil Procedure 37(b)(2)(A) provides a non-exhaustive list of potential sanctions where “a party . . . fails to obey an order to provide or permit discovery”⁶ The imposition of sanctions under Rule 37 is a matter of the court's discretion. *Jobin v. Bank of Boulder (In re M & L Mach. Bus. Mach. Co.)*, 167 B.R. 631, 633 (D. Colo. 1994). Sanctions under Rule 37 not only penalize parties whose conduct warrants sanctions, but also “deter those who might be tempted to such conduct in the absence of such a deterrent.” *Cont'l Ins. Co. v. McGraw*, 110 F.R.D. 679, 683 (D. Colo. 1986) (quoting *Nat'l Hockey League v. Metro. Hockey Club*, 427 U.S. 639, 644 (1976)).

Rule 37(b) violations generally warrant harsher sanctions than other Rule 37 violations. Whereas other Rule 37 violations punish “misbehavior” in breaking general

⁶ Appropriate sanctions for disobeying discovery orders include:

- (i) directing that the matters embraced in the order or other designated facts be taken as established for purposes of the action, as the prevailing party claims; (ii) prohibiting the disobedient party from supporting or opposing designated claims or defenses, or from introducing designated matters in evidence; (iii) striking pleadings in whole or in part; (iv) staying further proceedings until the order is obeyed; (v) dismissing the action or proceeding in whole or in part; (vi) rendering a default judgment against the disobedient party; or (vii) treating as contempt of court the failure to obey any order except an order to submit to a physical or mental examination.

Fed. R. Civ. P. 37(b)(2)(A)(i-vii).

rules that apply equally to all parties, Rule 37(b) sanctions a party's "disobedience" for failure to follow specific instructions on how a party must act. *See Tom v. S.B., Inc.*, 280 F.R.D. 603, 611 (D.N.M. 2012). Indeed, the Tenth Circuit has frequently affirmed the use of default judgments and dismissals for discovery violations brought under Rule 37(b). *Id.* at 610-11 (citing cases and observing that "there is far more case law granting the harshest of sanctions for disobedience than misbehavior . . . [, and] the act of direct defiance seems to warrant greater punishment.").

On May 13, 2014, and again on June 6, 2014, this Court ordered Defendant Denver to produce all documents related to internal affairs investigations being conducted in relation to this case. The June 6, 2014 Order specifically referenced the DPD IAB investigation and gave Defendant Denver a deadline of June 16, 2014 to produce related documents including e-mails and correspondence. Thus, the emails Sergeant Cotter produced on June 23, 2014 in response to his subpoena fall squarely within the Court's discovery orders. However, Defendant Denver had not produced these or any other internal communications regarding the DPD IAB investigation in its May 28 or June 16 productions. Furthermore, the documents produced by Sergeant Cotter reveal the existence of numerous additional important and relevant documents that have yet to be produced.

This is not the first civil rights case involving law enforcement where Defendant Denver has been less than forthcoming in fulfilling its discovery obligations. For example, Defendant Denver's failure to produce all of the DPD IAB documents is reminiscent of Denver's noncompliance with this Court's discovery orders in *Graber v.*

City and County of Denver, et al. In *Graber*, this Court granted the plaintiff's motion to compel documents related to evidence of Denver's liability. No. 09-cv-01029-JLK-MJW, 2011 U.S. Dist. LEXIS 82226 (D. Colo. July 27, 2011). In denying Denver's motion for reconsideration, this Court noted that "[Denver's] resistance, in the face of unequivocal court orders, has unnecessarily delayed this case and squandered the time and resources of Plaintiff, his counsel, and the Court." 2011 U.S. Dist. LEXIS 99594, at *2 (D. Colo. Sept. 6, 2011). In a subsequent order, this Court admonished all defendants, including Denver, for having "obdurately resisted complying with their discovery obligations in this case." No. 09-cv-01029-JLK-MJW [ECF No. 94] at 1 (D. Colo. Sept. 12, 2011). Here, Defendant Denver again has refused to comply with this Court's discovery orders, as part of a pattern that drains the resources of the Court and Plaintiff, and delays the administration of justice.

B. The Documents that Defendant Denver Failed to Produce Demonstrate the Denver City Attorney's Office's Improper Involvement in the DPD IAB Investigation

Defendant Denver's failure to comply with this Court's Orders takes on an additional level of misconduct given that the withheld communications reveal the City Attorney's Office's improper involvement with an investigation that resulted in witness intimidation, and that Defendant Denver omitted this information in representations to the Court. All counsel owe this tribunal a duty of candor, which includes an obligation to make complete disclosures. *See* Colo. R.P.C. 3.3(a)(1) ("There are circumstances where failure to make a disclosure is the equivalent of an affirmative misrepresentation."). On February 24, 2014, the City Attorney's Office told Plaintiff's counsel that it had no

involvement in the DPD IAB investigation. Then, the three affidavits submitted on June 12, 2014 in response to the Court's inquiry as to why DPD IAB was conducting the investigation give the impression that its sole focus was Deputy Rumer's criminal activity, and that the investigation was conducted in accordance with normal procedures.

This innocuous picture is misleading. The documents that Plaintiff discovered only through his subpoena *duces tecum* on Sergeant Cotter reveal that the City Attorney's Office was involved with the DPD IAB investigation from the outset. The City Attorney's Office repeatedly attempted to use the DPD IAB investigation to aid Defendant Denver's defense in this case. See **Ex. 1**, 2014.02.07 *Thomas-Cotter Email* (City Attorney's Office had "a vested interest in the outcome of [the] investigation"); **Ex. 11**, 2014.02.14 *Thomas-Dulacki Email* (City Attorney's Office "thinks we're going to turn over what we find to assist with [its] defense," and "seemed to want us to interview [the inmate affiants] so [it] could know what information they had that could assist [it] with [its] defense."). In addition, the City Attorney's Office attempted to influence the outcome of the investigation by suggesting the affidavits were "contrived" and an "attack on Denver, its law enforcement agencies and the Denver jails," while stressing that "[i]f the allegations in the affidavits were true, it would be a very serious situation." **Ex. 1**, 2014.02.07 *Thomas-Cotter Email*; **Ex. 2**, 2014.02.07 *City Attorney's Office-Cotter Email*. The affidavit of Commander Thomas, who was in communication with the City

Attorney's Office, makes no mention of the Denver City Attorney's Office's involvement in the DPD IAB investigation.⁷

Predictably, soon after the City Attorney's Office's attempts to influence the DPD IAB investigation, Mr. Page was threatened with criminal prosecution if he testified at trial. The District Attorney ultimately refused to prosecute the charges against Defendant Rumer in part because of concerns with the inmate affiants' credibility, which had been suggested by the City Attorney's Office. These outcomes further demonstrate the potential impact of the City Attorney's Office's involvement in what purported to be an independent internal affairs investigation.

IV. CONCLUSION

In light of Defendant Denver's repeated misconduct in this case, Plaintiff respectfully requests sanctions against Defendant Denver in addition to those already imposed by the Court. Plaintiff requests that this Court order the complete production of all Denver Sheriff's Department and Denver Police Department Internal Affairs Bureau files, as they are kept in the usual course of business, including all their communications with the Denver City Attorney's Office, for the last seven years, and that these documents not be subject to any protective order. Plaintiff also requests that the Denver City Attorney's Office be enjoined from having any contact with any party, witness, or counsel or otherwise participating in this case. Further, Plaintiff requests that he be allowed to depose Commander Thomas and a representative of the Denver City

⁷ Mr. Hunter has no information that Sheriff Wilson or Independent Monitor Mitchell were aware of the improper involvement of the City Attorney's Office.

Attorney's Office, in addition to any other sanctions that the Court believes are appropriate. Plaintiff requests a hearing on these matters.

Respectfully submitted this 26th day of June, 2014.

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CERTIFICATE OF SERVICE

I hereby certify that on June 26, 2014, I electronically filed the foregoing **Motion for Additional Sanctions Against Defendant City and County of Denver and Request for Hearing** with the Clerk of the Court using the CM/ECF system, which will send electronic confirmation to the following:

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