

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

Civil Action No. 14-cv-03111-REB-KLM

JULIE REISKIN,
JON JAIME LEWIS,
WILLIAM JOE BEAVER,
DOUGLAS HOWEY,
DIANA MILNE,
TINA MCDONALD,
JOSÉ TORRES-VEGA,
RANDY KILBOURN,
JOHN BABCOCK,
KIMBERLEY JACKSON,
PAULINA BLACK,
RUTHIE MCNAIR,
VRLINA NOZLIÇ,
CHRIS QUINLAN,
CHERYL QUINLAN,
ELAINE CULPEPPER,
BIANCA GAMEL,
KEVIN GRIMSINGER, and
COLORADO CROSS-DISABILITY COALITION, a Colorado non-profit corporation,

Plaintiffs,

v.

REGIONAL TRANSPORTATION DISTRICT, a/k/a RTD, a political subdivision of the
State of Colorado

Defendant.

**RTD'S MOTION FOR SUMMARY JUDGMENT TO DISMISS PLAINTIFFS CCDC,
REISKIN, HOWEY AND LEWIS**

Pursuant to Fed. R. Civ. P. 56, Defendant Regional Transportation District ("RTD")
hereby moves for summary judgment as against Plaintiffs Colorado Cross Disability

Coalition (“CCDC”), Julie Reiskin, Douglas Howey and Jon Jaime Lewis. Summary judgment is appropriate when there is no genuine issue as to any material fact and the moving party is entitled to a judgment as a matter of law. *Shero v. City of Grove*, 510 F.3d 1196, 1200 (10th Cir. 2007); Fed. R. Civ. P. 56(c). Plaintiffs CCDC, Reiskin, Howey and Lewis are barred from asserting the First and Second Claims (Violation of the Americans with Disabilities Act and Section 504 of the Rehabilitation Act) because they released those claims in a Settlement Agreement executed by RTD and these Plaintiffs. See Attachment A to RTD’s Answer and Counterclaim [No. 20-1] & attached hereto as **Exhibit A**. These Plaintiffs have released their claims for the reasons set out in RTD’s Response to Plaintiffs’ Motion to Dismiss RTD’s Counterclaim [ECF No. 66], and RTD hereby incorporates herein by reference its arguments from that brief in support of this motion. “Once a claim is released, the release bars the injured party from seeking further recovery.” *CMCB Enterprises, Inc. v. Ferguson*, 114 P.3d 90, 96 (Colo. App. 2005) (citation omitted). A valid and unambiguous release defeats the cause of action and the court must dismiss the claim. *Truong v. Smith*, 28 F. Supp. 2d 626, 630 (D. Colo. 1998).

WHEREFORE, for the reasons set forth herein and in RTD’s Response to Plaintiffs’ Motion to Dismiss RTD’s Counterclaim [ECF No. 66], pursuant to Fed. R. Civ. P. 56, RTD respectfully requests that Plaintiffs CCDC, Julie Reiskin, Douglas Howey and Jon Jaime Lewis be dismissed with prejudice from this case.

Respectfully submitted this 29th day of June 2015.

REGIONAL TRANSPORTATION DISTRICT

By: /s/ Jenifer M. Ross-Amato
Jenifer Ross-Amato, No. 34665
Mindy Marie Swaney, No. 47828
1600 Blake St.
Denver, CO 80202
Tel: (303)-299-2479
Email: jenifer.ross@rtd-denver.com
Email: mindy.swaney@rtd-denver.com
The original signature is on file.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing RTD'S MOTION FOR SUMMARY JUDGMENT TO DISMISS CLAIMS RAISED BY PLAINTIFFS CCDC, REISKIN, HOWEY AND LEWIS was served on June 29, 2015 via ECF addressed to:

Kevin W. Williams kwilliams@ccdconline.org

Andrew C. Montoya amontoya@ccdconline.org

Colorado Cross-Disability Coalition

/s/ Jenifer Ross-Amato

Jenifer Ross-Amato

This document was filed electronically. The original document and signature are on file in the undersigned attorney's office.