

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

Civil Action No.1:16-cv-00966-RBJ

KENNYBERG ARAUJO, and  
FRANCIS GONZALES,

Plaintiffs,

v.

THE CITY OF FORT COLLINS, a municipality;  
DONALD VAGGE, former Deputy Chief of Police, in his individual capacity; and  
GARY SHAKLEE, Police Sergeant, in his individual and capacity;

Defendants.

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**DEFENDANT GARY SHAKLEE'S ANSWER TO PLAINTIFFS' FIRST AMENDED  
COMPLAINT AND JURY DEMAND**

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This Defendant, Gary Shaklee, by and through his attorneys, Nathan Dumm & Mayer P.C., appearing separately from the other named Defendants, hereby responds to Plaintiffs' First Amended Complaint as follows:

1. With reference to the allegations contained in paragraph 1 of Plaintiffs' First Amended Complaint, this Defendant avers that the allegations contained therein are prefatory in nature and therefore no response is required. To the extent a response is required, this Defendant denies the allegations contained therein.

2. With reference to the allegations contained in paragraph 2 of Plaintiffs' First Amended Complaint, this Defendant avers that the allegations contained therein are prefatory in nature and therefore no response is required. To the extent a response is required, this Defendant denies the allegations contained therein.

3. With reference to the allegations contained in paragraph 3 of Plaintiffs' First Amended Complaint, this Defendant avers that the allegations contained therein are prefatory in nature and therefore no response is required. Further, the allegations contained in this paragraph are not directed toward this Defendant. To the extent a response is required, as to the allegations directed at this Defendant, they are denied. This Defendant is currently uninformed as to the allegations directed at others and, therefore, they are denied as well.

4. With reference to the allegations contained in paragraph 4 of Plaintiffs' First Amended Complaint, this Defendant avers that the allegations contained therein are prefatory in nature and therefore no response is required. To the extent a response is required, as to the allegations directed at this Defendant, they are denied. This Defendant is currently uninformed as to the allegations directed at others and, therefore, they are denied as well.

5. With reference to the allegations contained in paragraph 5 of Plaintiffs' First Amended Complaint, this Defendant avers that the statutes cited speak for themselves. This Defendant further admits that to the extent Plaintiffs can assert cognizable federal claims, jurisdiction in the Federal Court would be appropriate.

6. With reference to the allegations contained in paragraph 6 of Plaintiffs' First Amended Complaint, this Defendant avers that the statutes cited speak for themselves. This Defendant does not dispute venue, but does deny all remaining allegations contained in this paragraph.

7. With reference to the allegations contained in paragraph 7 of Plaintiffs' First Amended Complaint, this Defendant is currently uninformed and therefore, at this time, denies the same.

8. With reference to the allegations contained in paragraph 8 of Plaintiffs' First Amended Complaint, this Defendant is currently uninformed and therefore, at this time, denies the same.

9. With reference to the allegations contained in paragraph 9 of Plaintiffs' First Amended Complaint, this Defendant avers that the statutes cited speak for themselves and this Defendant denies all remaining allegations contained in this paragraph.

10. With reference to the allegations contained in paragraph 10 of Plaintiffs' First Amended Complaint, this Defendant admits that Plaintiff Araujo was for a period of time an employee of the Fort Collins Police Department. This Defendant is currently uninformed as to the remaining allegations contained in this paragraph and therefore, at this time, denies the same.

11. With reference to the allegations contained in paragraph 10 of Plaintiffs' First Amended Complaint, this Defendant admits that Plaintiff Gonzales has been for a period of time an employee of the Fort Collins Police Department. This Defendant is currently uninformed as to the remaining allegations contained in this paragraph and therefore, at this time, denies the same.

12. With reference to the allegations contained in paragraph 12 of Plaintiffs' First Amended Complaint, this Defendant admits that the City of Fort Collins is a Colorado municipality and that the Fort Collins Police Department is a department within the City and, at some points, employed the Plaintiffs. This Defendant avers that the remaining allegations contained in this paragraph are not directed against him and that the statutes cited speak for themselves and thus he denies any remaining allegations contained in this paragraph.

13. With reference to the allegations contained in paragraph 13 of Plaintiffs' First Amended Complaint, this Defendant avers that the allegations are not directed at him and, therefore, no response is required. To the extent a response is required, this Defendant avers that the allegations in the Amended Complaint speak for themselves, but this Defendant denies the veracity of them.

14. With reference to the allegations contained in paragraph 14 of Plaintiffs' First Amended Complaint, this Defendant avers that the allegations are not directed at him and, therefore, no response is required. To the extent a response is required, this Defendant avers that the allegations in the Amended Complaint speak for themselves, but this Defendant denies the veracity of them. This Defendant further alleges that the case cited speaks for itself.

15. With reference to the allegations contained in paragraph 15 of Plaintiffs' First Amended Complaint, this Defendant admits that according to the case caption he is being sued in his individual capacity. This Defendant further admits that he is currently employed by the Fort Collins Police Department as a Police Sergeant and that at previous times supervised Plaintiff Araujo. Any remaining allegations contained in this paragraph are denied.

16. With reference to the allegations contained in paragraph 16 of Plaintiffs' First Amended Complaint, this Defendant admits that, with respect to all actions he took in his capacity as a police officer or supervisor, he was acting within the course of his employment and under the color of state law. This Defendant denies all remaining allegations contained in this paragraph.

17. With reference to the allegations contained in paragraph 17 of Plaintiffs' First Amended Complaint, this Defendant avers the allegations are not directed toward him and,

therefore, no response is required. To the extent a response is required, the allegations are denied.

18. With reference to the allegations contained in paragraph 18 of Plaintiffs' First Amended Complaint, this Defendant avers the allegations are not directed toward him and, therefore, no response is required. To the extent a response is required, the allegations are denied.

19. With reference to the allegations contained in paragraph 19 of Plaintiffs' First Amended Complaint, this Defendant avers the allegations are not directed toward him and therefore no response is required. To the extent a response is required, the allegations are denied.

20. With reference to the allegations contained in paragraph 20 of Plaintiffs' First Amended Complaint and the subparagraphs thereunder, this Defendant avers the allegations are not directed toward him and, therefore, no response is required. To the extent a response is required, the allegations are denied.

21. With reference to the allegations contained in paragraph 21 of Plaintiffs' First Amended Complaint, this Defendant avers the allegations are not directed toward him and, therefore, no response is required. To the extent a response is required this Defendant is currently uninformed and, therefore, denies the same.

22. With reference to the allegations contained in paragraph 22 of Plaintiffs' First Amended Complaint, this Defendant avers the allegations are not directed toward him and, therefore, no response is required. To the extent a response is required, the allegations are denied.

23. With reference to the allegations contained in paragraph 23 of Plaintiffs' First Amended Complaint, this Defendant avers the allegations are not directed toward him and, therefore, no response is required. To the extent a response is required this Defendant is currently uninformed and, therefore, denies the same.

24. With reference to the allegations contained in paragraph 24 of Plaintiffs' First Amended Complaint, this Defendant is currently uninformed and therefore, at this time, denies the same.

25. With reference to the allegations contained in paragraph 25 of Plaintiffs' First Amended Complaint, this Defendant is currently uninformed and therefore, at this time, denies the same.

26. With reference to the allegations contained in paragraph 26 of Plaintiffs' First Amended Complaint, this Defendant is currently uninformed and therefore, at this time, denies the same.

27. With reference to the allegations contained in paragraph 27 of Plaintiffs' First Amended Complaint, this Defendant is currently uninformed and therefore, at this time, denies the same.

28. With reference to the allegations contained in paragraph 28 of Plaintiffs' First Amended Complaint, this Defendant avers the allegations are not directed toward him and, therefore, no response is required. To the extent a response is required, the allegations are denied.

29. With reference to the allegations contained in paragraph 29 of Plaintiffs' First Amended Complaint and the subparagraphs thereunder, this Defendant avers the allegations are

not directed toward him and, therefore, no response is required. To the extent a response is required, the allegations are denied.

30. With reference to the allegations contained in paragraph 30 of Plaintiffs' First Amended Complaint, this Defendant avers the allegations are not directed toward him and, therefore, no response is required. To the extent a response is required, the allegations are denied.

31. With reference to the allegations contained in paragraph 31 of Plaintiffs' First Amended Complaint, this Defendant avers the allegations are not directed toward him and, therefore, no response is required. To the extent a response is required, the allegations are denied.

32. With reference to the allegations contained in paragraph 32 of Plaintiffs' First Amended Complaint, this Defendant avers the allegations are not directed toward him and, therefore, no response is required. To the extent a response is required, the allegations are denied.

33. With reference to the allegations contained in paragraph 33 of Plaintiffs' First Amended Complaint, this Defendant avers the allegations are not directed toward him and, therefore, no response is required. To the extent a response is required, the allegations are denied.

34. With reference to the allegations contained in paragraph 34 of Plaintiffs' First Amended Complaint, this Defendant avers the allegations are not directed toward him and, therefore, no response is required. To the extent a response is required, this Defendant is currently uninformed and, therefore, denies the same.

35. With reference to the allegations contained in paragraph 35 of Plaintiffs' First Amended Complaint, this Defendant avers the allegations are not directed toward him and, therefore, no response is required. To the extent a response is required, this Defendant is currently uninformed and, therefore, denies the same.

36. With reference to the allegations contained in paragraph 36 of Plaintiffs' First Amended Complaint, this Defendant avers the allegations are not directed toward him and, therefore, no response is required. To the extent a response is required, this Defendant is currently uninformed and, therefore, denies the same.

37. With reference to the allegations contained in paragraph 37 of Plaintiffs' First Amended Complaint, this Defendant avers the allegations are not directed toward him and, therefore, no response is required. To the extent a response is required, his Defendant is currently uninformed and, therefore, denies the same.

38. With reference to the allegations contained in paragraph 38 of Plaintiffs' First Amended Complaint, this Defendant avers the allegations are not directed toward him and, therefore, no response is required. To the extent a response is required, this Defendant is currently uninformed and, therefore, denies the same.

39. With reference to the allegations contained in paragraph 39 of Plaintiffs' First Amended Complaint, this Defendant avers the allegations are not directed toward him and, therefore, no response is required. To the extent a response is required, this Defendant is currently uninformed and, therefore, denies the same.

40. With reference to the allegations contained in paragraph 40 of Plaintiffs' First Amended Complaint, this Defendant avers the allegations are not directed toward him and,

therefore, no response is required. To the extent a response is required, this Defendant is currently uninformed and, therefore, denies the same.

41. With reference to the allegations contained in paragraph 41 of Plaintiffs' First Amended Complaint, this Defendant avers the allegations are not directed toward him and, therefore, no response is required. To the extent a response is required, this Defendant is currently uninformed and, therefore, denies the same.

42. With reference to the allegations contained in paragraph 42 of Plaintiffs' First Amended Complaint, this Defendant avers the allegations are not directed toward him and, therefore, no response is required. To the extent a response is required, this Defendant is currently uninformed and, therefore, denies the same.

43. With reference to the allegations contained in paragraph 43 of Plaintiffs' First Amended Complaint, this Defendant avers the allegations are not directed toward him and, therefore, no response is required. To the extent a response is required, this Defendant is currently uninformed and, therefore, denies the same.

44. With reference to the allegations contained in paragraph 44 of Plaintiffs' First Amended Complaint, this Defendant avers the allegations are not directed toward him and, therefore, no response is required. To the extent a response is required, the allegations are denied.

45. With reference to the allegations contained in paragraph 45 of Plaintiffs' First Amended Complaint, this Defendant avers the allegations are not directed toward him and, therefore, no response is required. To the extent a response is required, this Defendant is currently uninformed and, therefore, denies the same.

46. With reference to the allegations contained in paragraph 46 of Plaintiffs' First Amended Complaint, this Defendant avers the allegations are not directed toward him and, therefore, no response is required. To the extent a response is required, this Defendant is currently uninformed and, therefore, denies the same.

47. With reference to the allegations contained in paragraph 47 of Plaintiffs' First Amended Complaint, this Defendant avers the allegations are not directed toward him and, therefore, no response is required. To the extent a response is required, this Defendant is currently uninformed and, therefore, denies the same.

48. With reference to the allegations contained in paragraph 48 of Plaintiffs' First Amended Complaint, this Defendant avers the allegations are not directed toward him and, therefore, no response is required. To the extent a response is required, this Defendant is currently uninformed and, therefore, denies the same.

49. With reference to the allegations contained in paragraph 49 of Plaintiffs' First Amended Complaint, this Defendant avers the allegations are not directed toward him and, therefore, no response is required. To the extent a response is required, this Defendant is currently uninformed and, therefore, denies the same.

50. With reference to the allegations contained in paragraph 50 of Plaintiffs' First Amended Complaint, this Defendant avers the allegations are not directed toward him and, therefore, no response is required. To the extent a response is required, this Defendant is currently uninformed and, therefore, denies the same.

51. With reference to the allegations contained in paragraph 51 of Plaintiffs' First Amended Complaint, this Defendant avers the allegations are not directed toward him and,

therefore, no response is required. To the extent a response is required, this Defendant is currently uninformed and, therefore, denies the same.

52. With reference to the allegations contained in paragraph 52 of Plaintiffs' First Amended Complaint, this Defendant avers the allegations are not directed toward him and, therefore, no response is required. To the extent a response is required, this Defendant is currently uninformed and, therefore, denies the same.

53. With reference to the allegations contained in paragraph 53 of Plaintiffs' First Amended Complaint, this Defendant avers the allegations are not directed toward him and, therefore, no response is required. To the extent a response is required, this Defendant is currently uninformed and, therefore, denies the same.

54. With reference to the allegations contained in paragraph 54 of Plaintiffs' First Amended Complaint, this Defendant avers the allegations are not directed toward him and, therefore, no response is required. To the extent a response is required, this Defendant is currently uninformed and, therefore, denies the same.

55. With reference to the allegations contained in paragraph 55 of Plaintiffs' First Amended Complaint, this Defendant avers that the FTO program is a standardized program for training and avers that the policies and procedures governing the program speak for themselves. Any allegations inconsistent with the plain language of the policies and procedures are denied. All other allegations contained in this paragraph are denied.

56. With reference to the allegations contained in paragraph 56 of Plaintiffs' First Amended Complaint, this Defendant avers the allegations are not directed toward him and,

therefore, no response is required. To the extent a response is required, this Defendant is currently uninformed and, therefore, denies the same.

57. With reference to the allegations contained in paragraph 57 of Plaintiffs' First Amended Complaint, this Defendant avers the allegations are not directed toward him and, therefore, no response is required. This Defendant is currently uninformed and, therefore, denies the same.

58. With reference to the allegations contained in paragraph 58 of Plaintiffs' First Amended Complaint, this Defendant avers the allegations are not directed toward him and, therefore, no response is required. To the extent a response is required, this Defendant is currently uninformed and, therefore, denies the same.

59. With reference to the allegations contained in paragraph 59 of Plaintiffs' First Amended Complaint, this Defendant avers the allegations are not directed toward him and, therefore, no response is required. To the extent a response is required, this Defendant is currently uninformed and, therefore, denies the same.

60. With reference to the allegations contained in paragraph 60 of Plaintiffs' First Amended Complaint, this Defendant avers the allegations are not directed toward him and, therefore, no response is required. To the extent a response is required, this Defendant admits that Officer Crumbaker may have been a trainee for this Defendant. This Defendant is currently uninformed as to the remaining allegations and, therefore, denies the same.

61. With reference to the allegations contained in paragraph 61 of Plaintiffs' First Amended Complaint, this Defendant avers the allegations are not directed toward him and,

therefore, no response is required. To the extent a response is required, this Defendant is currently uninformed and, therefore, denies the same.

62. With reference to the allegations contained in paragraph 62 of Plaintiffs' First Amended Complaint, this Defendant avers the allegations are not directed toward him and, therefore, no response is required. To the extent a response is required, this Defendant is currently uninformed and, therefore, denies the same.

63. With reference to the allegations contained in paragraph 63 of Plaintiffs' First Amended Complaint, this Defendant avers the allegations are not directed toward him and, therefore, no response is required. To the extent a response is required, the allegations are denied.

64. With reference to the allegations contained in paragraph 64 of Plaintiffs' First Amended Complaint, this Defendant avers the allegations are not directed toward him and, therefore, no response is required. To the extent a response is required, this Defendant is currently uninformed and, therefore, denies the same.

65. With reference to the allegations contained in paragraph 65 of Plaintiffs' First Amended Complaint, this Defendant avers the allegations are not directed toward him and, therefore, no response is required. To the extent a response is required, this Defendant is currently uninformed and, therefore, denies the same.

66. With reference to the allegations contained in paragraph 66 of Plaintiffs' First Amended Complaint, this Defendant avers the allegations are not directed toward him and, therefore, no response is required. To the extent a response is required, this Defendant admits

that Lt. Pino transitioned from the NCDTF. This Defendant is currently uninformed as to the remaining allegations and, therefore, denies the same.

67. With reference to the allegations contained in paragraph 67 of Plaintiffs' First Amended Complaint, this Defendant avers the allegations are not directed toward him and, therefore, no response is required. To the extent a response is required, this Defendant is currently uninformed and, therefore, denies the same.

68. With reference to the allegations contained in paragraph 68 of Plaintiffs' First Amended Complaint, this Defendant avers the allegations are not directed toward him and, therefore, no response is required. To the extent a response is required, this Defendant is currently uninformed and, therefore, denies the same.

69. With reference to the allegations contained in paragraph 69 of Plaintiffs' First Amended Complaint, this Defendant avers the allegations are not directed toward him and, therefore, no response is required. To the extent a response is required, this Defendant is currently uninformed and, therefore, denies the same.

70. With reference to the allegations contained in paragraph 70 of Plaintiffs' First Amended Complaint, this Defendant avers the allegations are not directed toward him and, therefore, no response is required. To the extent a response is required, this Defendant admits that he was notified of HR and IA investigations involving Plaintiff Araujo. This Defendant is currently uninformed as to the remaining allegations and, therefore, denies the same.

71. With reference to the allegations contained in paragraph 71 of Plaintiffs' First Amended Complaint, this Defendant avers the allegations are not directed toward him and,

therefore, no response is required. To the extent a response is required, this Defendant denies the allegations contained therein.

72. With reference to the allegations contained in paragraph 72 of Plaintiffs' First Amended Complaint, this Defendant avers the allegations are not directed toward him and, therefore, no response is required. To the extent a response is required, this Defendant is currently uninformed and, therefore, denies the same.

73. With reference to the allegations contained in paragraph 73 of Plaintiffs' First Amended Complaint, this Defendant avers the allegations are not directed toward him and, therefore, no response is required. To the extent a response is required, this Defendant is currently uninformed and, therefore, denies the same.

74. With reference to the allegations contained in paragraph 74 of Plaintiffs' First Amended Complaint and the subparagraphs thereunder, this Defendant avers that most of the allegations contained in this paragraph are not directed toward him and, therefore, no response is required. As to those allegations contained in subparagraph d which are directed toward him, this Defendant avers that he is currently first on an eligibility list for a Lieutenant position vacancy, but denies that he currently is in an interim lieutenant position. This Defendant denies any remaining allegations contained in this paragraph.

75. With reference to the allegations contained in paragraph 75 of Plaintiffs' First Amended Complaint, this Defendant avers the allegations are not directed toward him and, therefore, no response is required. To the extent a response is required, the allegations are denied.

76. With reference to the allegations contained in paragraph 76 of Plaintiffs' First Amended Complaint, this Defendant avers the allegations are not directed toward him and, therefore, no response is required. To the extent a response is required, the allegations are denied.

77. With reference to the allegations contained in paragraph 77 of Plaintiffs' First Amended Complaint, this Defendant avers the allegations are not directed toward him and, therefore, no response is required. To the extent a response is required, the allegations are denied.

78. With reference to the allegations contained in paragraph 78 of Plaintiffs' First Amended Complaint, this Defendant avers the allegations are not directed toward him and, therefore, no response is required. To the extent a response is required, the allegations are denied.

79. With reference to the allegations contained in paragraph 79 of Plaintiffs' First Amended Complaint, this Defendant denies the allegations contained therein.

80. With reference to the allegations contained in paragraph 80 of Plaintiffs' First Amended Complaint, this Defendant avers the allegations are not directed toward him and, therefore, no response is required. To the extent a response is required, this Defendant is currently uninformed and, therefore, denies the same.

81. With reference to the allegations contained in paragraph 81 of Plaintiffs' First Amended Complaint, this Defendant avers the allegations are not directed toward him and, therefore, no response is required. To the extent a response is required, this Defendant is currently uninformed and, therefore, denies the same.

82. With reference to the allegations contained in paragraph 82 of Plaintiffs' First Amended Complaint, this Defendant avers the allegations are not directed toward him and, therefore, no response is required. To the extent a response is required, the allegations are denied.

83. With reference to the allegations contained in paragraph 83 of Plaintiffs' First Amended Complaint, this Defendant avers the allegations are not directed toward him and, therefore, no response is required. To the extent a response is required, the allegations are denied.

84. With reference to the allegations contained in paragraph 84 of Plaintiffs' First Amended Complaint, this Defendant avers the allegations are not directed toward him and, therefore, no response is required. To the extent a response is required, this Defendant is currently uninformed and, therefore, denies the same.

85. With reference to the allegations contained in paragraph 85 of Plaintiffs' First Amended Complaint, this Defendant avers the allegations are not directed toward him and, therefore, no response is required. To the extent a response is required, this Defendant admits that Lt. Pino was assigned for a time to the NCDTF. This Defendant is currently uninformed as to the remaining allegations and therefore, at this time, denies the same.

86. With reference to the allegations contained in paragraph 86 of Plaintiffs' First Amended Complaint, this Defendant avers the allegations are not directed toward him and, therefore, no response is required. To the extent a response is required, this Defendant is currently uninformed and, therefore, denies the same.

87. With reference to the allegations contained in paragraph 87 of Plaintiffs' First Amended Complaint, this Defendant avers the allegations are not directed toward him and, therefore, no response is required. To the extent a response is required, this Defendant is uninformed and therefore, at this time, denies the same.

88. With reference to the allegations contained in paragraph 88 of Plaintiffs' First Amended Complaint, this Defendant avers the allegations are not directed toward him and, therefore, no response is required. To the extent a response is required, this Defendant is currently uninformed and, therefore, denies the same.

89. With reference to the allegations contained in paragraph 89 of Plaintiffs' First Amended Complaint, this Defendant avers the allegations are not directed toward him and, therefore, no response is required. To the extent a response is required, this Defendant is currently uninformed and, therefore, denies the same.

90. With reference to the allegations contained in paragraph 90 of Plaintiffs' First Amended Complaint, this Defendant avers the allegations are not directed toward him and, therefore, no response is required. To the extent a response is required, this Defendant is currently uninformed and, therefore, denies the same.

91. With reference to the allegations contained in paragraph 91 of Plaintiffs' First Amended Complaint, this Defendant avers the allegations are not directed toward him and therefore no response is required. To the extent a response is required, this Defendant is currently uninformed and, therefore, denies the same.

92. With reference to the allegations contained in paragraph 92 of Plaintiffs' First Amended Complaint, this Defendant avers the allegations are not directed toward him and

therefore no response is required. To the extent a response is required, this Defendant is currently uninformed and, therefore, denies the same.

93. This Defendant denies the allegations contained in paragraph 93 of Plaintiffs' Complaint.

94. This Defendant denies the allegations contained in paragraph 94 of Plaintiffs' Complaint and its sub-paragraphs thereunder.

95. With reference to the allegations contained in paragraph 95 of Plaintiffs' First Amended Complaint, this Defendant admits that he worked for a period of time as a Detective in the NCDTF and that Plaintiff Gonzales was also in the NCDTF at the time. This Defendant is either uninformed or outright denies all remaining allegations contained in this paragraph.

96. With reference to the allegations contained in paragraph 96 of Plaintiffs' First Amended Complaint, this Defendant admits that in or about 2003 he left his assignment at the NCDTF and returned to patrol. All remaining allegations contained in this paragraph are denied.

97. With reference to the allegations contained in paragraph 97 of Plaintiffs' First Amended Complaint, this Defendant admits that he was promoted to sergeant in or about 2006. This Defendant denies the remaining allegations contained in this paragraph.

98. This Defendant denies the allegations contained in paragraph 98 of Plaintiffs' First Amended Complaint.

99. This Defendant denies the allegations contained in paragraph 99 of Plaintiffs' First Amended Complaint.

100. This Defendant denies the allegations contained in paragraph 100 of Plaintiffs' First Amended Complaint.

101. This Defendant denies the allegations contained in paragraph 101 of Plaintiffs' First Amended Complaint.

102. This Defendant denies the allegations contained in paragraph 102 of Plaintiffs' First Amended Complaint.

103. This Defendant denies the allegations contained in paragraph 103 of Plaintiffs' First Amended Complaint.

104. With reference to the allegations contained in paragraph 104 of Plaintiffs' First Amended Complaint, this Defendant avers the allegations are not directed toward him and, therefore, no response is required. To the extent a response is required, this Defendant is currently uninformed and therefore, at this time, denies the same.

105. With reference to the allegations contained in paragraph 105 of Plaintiffs' First Amended Complaint, this Defendant avers the allegations are not directed toward him and, therefore, no response is required. To the extent a response is required, this Defendant is currently uninformed and therefore, at this time, denies the same.

106. With reference to the allegations contained in paragraph 106 of Plaintiffs' First Amended Complaint, this Defendant avers the allegations are not directed toward him and, therefore, no response is required. To the extent a response is required, this Defendant is currently uninformed and therefore, at this time, denies the same.

107. With reference to the allegations contained in paragraph 107 of Plaintiffs' First Amended Complaint, this Defendant avers the allegations are not directed toward him and, therefore, no response is required. To the extent a response is required, this Defendant is currently uninformed and therefore, at this time, denies the same.

108. With reference to the allegations contained in paragraph 108 of Plaintiffs' First Amended Complaint, this Defendant avers the allegations are not directed toward him and, therefore, no response is required. To the extent a response is required, this Defendant is currently uninformed and therefore, at this time, denies the same.

109. With reference to the allegations contained in paragraph 109 of Plaintiffs' First Amended Complaint, this Defendant avers the allegations appear not to be directed toward him and, therefore, no response is required. To the extent a response is required, this Defendant denies the allegations alleged to be directed against him and is currently uninformed as to the remainder and therefore, at this time, denies the same.

110. This Defendant denies the allegations contained in paragraph 110 of Plaintiffs' First Amended Complaint.

111. With reference to the allegations contained in paragraph 111 of Plaintiffs' First Amended Complaint, this Defendant denies that he has engaged in any discrimination of Plaintiff Gonzales and is currently uninformed as to the remaining allegations contained in this paragraph, and therefore, at this time, denies the same.

112. With reference to the allegations contained in paragraph 112 of Plaintiffs' First Amended Complaint, this Defendant denies that he has engaged in any discrimination of Plaintiff Gonzales and is currently uninformed as to the remaining allegations contained in this paragraph, and therefore, at this time, denies the same.

113. With reference to the allegations contained in paragraph 113 of Plaintiffs' First Amended Complaint, this Defendant is currently uninformed and therefore, at this time, denies the same.

114. With reference to the allegations contained in paragraph 114 of Plaintiffs' First Amended Complaint, this Defendant is currently uninformed and therefore, at this time, denies the same.

115. With reference to the allegations contained in paragraph 115 of Plaintiffs' First Amended Complaint, this Defendant is currently uninformed and therefore, at this time, denies the same.

116. With reference to the allegations contained in paragraph 116 of Plaintiffs' First Amended Complaint, this Defendant is currently uninformed and therefore, at this time, denies the same.

117. With reference to the allegations contained in paragraph 117 of Plaintiffs' First Amended Complaint, this Defendant is currently uninformed and therefore, at this time, denies the same.

118. With reference to the allegations contained in paragraph 118 of Plaintiffs' First Amended Complaint, this Defendant is currently uninformed and therefore, at this time, denies the same.

119. With reference to the allegations contained in paragraph 119 of Plaintiffs' First Amended Complaint, this Defendant is currently uninformed and therefore, at this time, denies the same.

120. With reference to the allegations contained in paragraph 120 of Plaintiffs' First Amended Complaint, this Defendant avers the allegations are not directed toward him and, therefore, no response is required. To the extent a response is required, this Defendant is currently uninformed and therefore, at this time, denies the same.

121. With reference to the allegations contained in paragraph 121 of Plaintiffs' First Amended Complaint, this Defendant avers the allegations are not directed toward him and, therefore, no response is required. To the extent a response is required, this Defendant is currently uninformed and therefore, at this time, denies the same.

122. With reference to the allegations contained in paragraph 122 of Plaintiffs' First Amended Complaint, this Defendant avers the allegations are not directed toward him and, therefore, no response is required. To the extent a response is required, this Defendant is currently uninformed and therefore, at this time, denies the same.

123. With reference to the allegations contained in paragraph 123 of Plaintiffs' First Amended Complaint, this Defendant avers the allegations are not directed toward him and, therefore, no response is required. To the extent a response is required, this Defendant is currently uninformed and therefore, at this time, denies the same.

124. With reference to the allegations contained in paragraph 124 of Plaintiffs' First Amended Complaint, this Defendant avers the allegations are not directed toward him and, therefore, no response is required. To the extent a response is required, this Defendant is currently uninformed and therefore, at this time, denies the same.

125. With reference to the allegations contained in paragraph 125 of Plaintiffs' First Amended Complaint, this Defendant avers the allegations are not directed toward him and, therefore, no response is required. To the extent a response is required, this Defendant is currently uninformed and therefore, at this time, denies the same.

126. With reference to the allegations contained in paragraph 126 of Plaintiffs' First Amended Complaint, this Defendant avers the allegations are not directed toward him and,

therefore, no response is required. To the extent a response is required, this Defendant is currently uninformed and therefore, at this time, denies the same.

127. With reference to the allegations contained in paragraph 127 of Plaintiffs' First Amended Complaint, this Defendant avers the allegations are not directed toward him and, therefore, no response is required. To the extent a response is required, this Defendant is currently uninformed and therefore, at this time, denies the same.

128. With reference to the allegations contained in paragraph 128 of Plaintiffs' First Amended Complaint, this Defendant avers the allegations are not directed toward him and, therefore, no response is required. To the extent a response is required, this Defendant is currently uninformed and therefore, at this time, denies the same.

129. With reference to the allegations contained in paragraph 129 of Plaintiffs' First Amended Complaint, this Defendant avers the allegations are not directed toward him and, therefore, no response is required. To the extent a response is required, this Defendant is currently uninformed and therefore, at this time, denies the same.

130. With reference to the allegations contained in paragraph 130 of Plaintiffs' First Amended Complaint, this Defendant avers the allegations are not directed toward him and, therefore, no response is required. To the extent a response is required, this Defendant is currently uninformed and therefore, at this time, denies the same.

131. With reference to the allegations contained in paragraph 131 of Plaintiffs' First Amended Complaint, this Defendant avers the allegations are not directed toward him and, therefore, no response is required. To the extent a response is required, this Defendant is currently uninformed and therefore, at this time, denies the same.

132. With reference to the allegations contained in paragraph 132 of Plaintiffs' First Amended Complaint, this Defendant avers the allegations are not directed toward him and, therefore, no response is required. To the extent a response is required, this Defendant is currently uninformed and therefore, at this time, denies the same.

133. With reference to the allegations contained in paragraph 133 of Plaintiffs' First Amended Complaint, this Defendant avers the allegations are not directed toward him and, therefore, no response is required. To the extent a response is required, this Defendant is currently uninformed and therefore, at this time, denies the same.

134. With reference to the allegations contained in paragraph 134 of Plaintiffs' First Amended Complaint, this Defendant avers the allegations are not directed toward him and, therefore, no response is required. To the extent a response is required, this Defendant is currently uninformed and therefore, at this time, denies the same.

135. With reference to the allegations contained in paragraph 135 of Plaintiffs' First Amended Complaint, this Defendant avers the allegations are not directed toward him and, therefore, no response is required. To the extent a response is required, this Defendant is currently uninformed and therefore, at this time, denies the same.

136. With reference to the allegations contained in paragraph 136 of Plaintiffs' First Amended Complaint, this Defendant avers the allegations are not directed toward him and, therefore, no response is required. To the extent a response is required, this Defendant is currently uninformed and therefore, at this time, denies the same.

137. With reference to the allegations contained in paragraph 137 of Plaintiffs' First Amended Complaint, this Defendant avers the allegations are not directed toward him and,

therefore, no response is required. To the extent a response is required, this Defendant is currently uninformed and therefore, at this time, denies the same.

138. With reference to the allegations contained in paragraph 138 of Plaintiffs' First Amended Complaint, this Defendant avers the allegations are not directed toward him and, therefore, no response is required. To the extent a response is required, this Defendant is currently uninformed and therefore, at this time, denies the same.

139. With reference to the allegations contained in paragraph 139 of Plaintiffs' First Amended Complaint, this Defendant avers the allegations are not directed toward him and, therefore, no response is required. To the extent a response is required, this Defendant is currently uninformed and therefore, at this time, denies the same.

140. With reference to the allegations contained in paragraph 140 of Plaintiffs' First Amended Complaint, this Defendant avers the allegations are not directed toward him and, therefore, no response is required. To the extent a response is required, this Defendant is currently uninformed and therefore, at this time, denies the same.

141. With reference to the allegations contained in paragraph 141 of Plaintiffs' First Amended Complaint, this Defendant avers the allegations are not directed toward him and, therefore, no response is required. To the extent a response is required, this Defendant is currently uninformed and therefore, at this time, denies the same.

142. With reference to the allegations contained in paragraph 142 of Plaintiffs' First Amended Complaint, this Defendant avers the allegations are not directed toward him and, therefore, no response is required. To the extent a response is required, this Defendant is currently uninformed and therefore, at this time, denies the same.

143. With reference to the allegations contained in paragraph 143 of Plaintiffs' First Amended Complaint, this Defendant avers the allegations are not directed toward him and, therefore, no response is required. To the extent a response is required, this Defendant is currently uninformed and therefore, at this time, denies the same.

144. With reference to the allegations contained in paragraph 144 of Plaintiffs' First Amended Complaint, this Defendant avers the allegations are not directed toward him and, therefore, no response is required. To the extent a response is required, this Defendant is currently uninformed and therefore, at this time, denies the same.

145. With reference to the allegations contained in paragraph 145 of Plaintiffs' First Amended Complaint, this Defendant avers the allegations are not directed toward him and, therefore, no response is required. To the extent a response is required, this Defendant is currently uninformed and therefore, at this time, denies the same.

146. With reference to the allegations contained in paragraph 146 of Plaintiffs' First Amended Complaint, this Defendant avers the allegations are not directed toward him and, therefore, no response is required. To the extent a response is required, this Defendant is currently uninformed and therefore, at this time, denies the same.

147. With reference to the allegations contained in paragraph 147 of Plaintiffs' First Amended Complaint, this Defendant avers the allegations are not directed toward him and, therefore, no response is required. To the extent a response is required, this Defendant is currently uninformed and therefore, at this time, denies the same.

148. With reference to the allegations contained in paragraph 148 of Plaintiffs' First Amended Complaint, this Defendant avers the allegations are not directed toward him and,

therefore, no response is required. To the extent a response is required, this Defendant is currently uninformed and therefore, at this time, denies the same.

149. With reference to the allegations contained in paragraph 149 of Plaintiffs' First Amended Complaint, this Defendant avers the allegations are not directed toward him and, therefore, no response is required. To the extent a response is required, this Defendant is currently uninformed and therefore, at this time, denies the same.

150. With reference to the allegations contained in paragraph 150 of Plaintiffs' First Amended Complaint, this Defendant avers the allegations are not directed toward him and, therefore, no response is required. To the extent a response is required, this Defendant is currently uninformed and therefore, at this time, denies the same.

151. This Defendant denies the allegations contained in paragraph 151 of Plaintiffs' First Amended Complaint.

152. This Defendant denies the allegations contained in paragraph 152 of Plaintiffs' First Amended Complaint.

153. With reference to the allegations contained in paragraph 153 of Plaintiffs' First Amended Complaint, this Defendant admits that he is not and has not been Plaintiff Gonzales' supervisor.

154. With reference to the allegations contained in paragraph 154 of Plaintiffs' First Amended Complaint, this Defendant admits that he discussed with Plaintiff Gonzales concerns this Defendants and others had regarding Plaintiff Gonzales misconduct and frustrations with Plaintiff Gonzales' lack of response. Any remaining allegations contained in this paragraph are denied.

155. This Defendant denies the allegations contained in paragraph 155 of Plaintiffs' First Amended Complaint.

156. This Defendant denies the allegations contained in paragraph 156 of Plaintiffs' First Amended Complaint.

157. With reference to the allegations contained in paragraph 157 of Plaintiffs' First Amended Complaint, this Defendant is currently uninformed and therefore, at this time, denies the same.

158. This Defendant denies the allegations contained in paragraph 158 of Plaintiffs' First Amended Complaint.

159. With reference to the allegations contained in paragraph 159 of Plaintiffs' First Amended Complaint, this Defendant avers the allegations are not directed toward him and, therefore, no response is required. To the extent a response is required, this Defendant is currently uninformed and therefore, at this time, denies the same.

160. With reference to the allegations contained in paragraph 160 of Plaintiffs' First Amended Complaint, this Defendant avers the allegations are not directed toward him and, therefore, no response is required. To the extent a response is required, this Defendant is currently uninformed and therefore, at this time, denies the same.

161. With reference to the allegations contained in paragraph 161 of Plaintiffs' First Amended Complaint, this Defendant avers the allegations are not directed toward him and, therefore, no response is required. To the extent a response is required, this Defendant is currently uninformed and therefore, at this time, denies the same.

162. With reference to the allegations contained in paragraph 162 of Plaintiffs' First Amended Complaint, this Defendant avers the allegations are not directed toward him and, therefore, no response is required. To the extent a response is required, this Defendant is currently uninformed and therefore, at this time, denies the same.

163. With reference to the allegations contained in paragraph 163 of Plaintiffs' First Amended Complaint, this Defendant avers the allegations are not directed toward him and, therefore, no response is required. To the extent a response is required, this Defendant is currently uninformed and therefore, at this time, denies the same.

164. With reference to the allegations contained in paragraph 164 of Plaintiffs' First Amended Complaint, this Defendant avers the allegations are not directed toward him and, therefore, no response is required. To the extent a response is required, this Defendant is currently uninformed and therefore, at this time, denies the same.

165. With reference to the allegations contained in paragraph 165 of Plaintiffs' First Amended Complaint, this Defendant avers the allegations are not directed toward him and, therefore, no response is required. To the extent a response is required, this Defendant is currently uninformed and therefore, at this time, denies the same.

166. With reference to the allegations contained in paragraph 166 of Plaintiffs' First Amended Complaint, this Defendant avers the allegations are not directed toward him and, therefore, no response is required. To the extent a response is required, this Defendant is currently uninformed and therefore, at this time, denies the same.

167. With reference to the allegations contained in paragraph 167 of Plaintiffs' First Amended Complaint, this Defendant avers the allegations are not directed toward him and,

therefore, no response is required. To the extent a response is required, this Defendant is currently uninformed and therefore, at this time, denies the same.

168. With reference to the allegations contained in paragraph 168 of Plaintiffs' First Amended Complaint, this Defendant avers the allegations are not directed toward him and, therefore, no response is required. To the extent a response is required, this Defendant is currently uninformed and therefore, at this time, denies the same.

169. With reference to the allegations contained in paragraph 169 of Plaintiffs' First Amended Complaint, this Defendant denies any allegations directed toward him and is currently uninformed as to the remainder and therefore, at this time, denies the same.

170. With reference to the allegations contained in paragraph 170 of Plaintiffs' First Amended Complaint, upon information and belief, this Defendant admits that Plaintiff Araujo was born in Brazil. This Defendant is currently uninformed as to any remaining allegations contained in this paragraph.

171. With reference to the allegations contained in paragraph 171 of Plaintiffs' First Amended Complaint, this Defendant admits, upon information and belief, that Plaintiff Araujo speaks, at an unknown level of fluency, several different languages, including Portuguese, Spanish and English. Any remaining allegations contained in this paragraph are denied.

172. With reference to the allegations contained in paragraph 172 of Plaintiffs' First Amended Complaint, this Defendant is currently uninformed and therefore, at this time, denies the same.

173. With reference to the allegations contained in paragraph 173 of Plaintiffs' First Amended Complaint, this Defendant is currently uninformed and therefore, at this time, denies the same.

174 With reference to the allegations contained in paragraph 174 of Plaintiffs' First Amended Complaint, this Defendant is currently uninformed and therefore, at this time, denies the same.

175. With reference to the allegations contained in paragraph 175 of Plaintiffs' First Amended Complaint, this Defendant admits that in or about 2008 Plaintiff Araujo was assigned to work with Sergeant Shaklee who was a sergeant at the time.

176. With reference to the allegations contained in paragraph 176 of Plaintiffs' First Amended Complaint, this Defendant avers that the performance evaluation and other performance documents speak for themselves and this Defendant denies all remaining allegations contained in this paragraph.

177. With reference to the allegations contained in paragraph 177 of Plaintiffs' First Amended Complaint, this Defendant avers that the written reprimand issued to Plaintiff Araujo speaks for itself and any allegations inconsistent with the plain language of that document are denied.

178. With reference to the allegations contained in paragraph 178 of Plaintiffs' First Amended Complaint, this Defendant avers that the written reprimand issued to Officer McGregor speaks for itself and any allegations inconsistent with the plain language of that document are denied.

179. With reference to the allegations contained in paragraph 179 of Plaintiffs' First Amended Complaint, this Defendant avers that Officer McGregor's conduct improved, whereas Plaintiff Araujo's did not. This Defendant further avers that all performance records speak for themselves and this Defendant denies any remaining allegations contained in this paragraph.

180. This Defendant denies the allegations contained in paragraph 180 of Plaintiffs' First Amendment Complaint.

181. With reference to the allegations contained in paragraph 181 of Plaintiffs' First Amended Complaint, this Defendant avers that the records regarding Plaintiff Araujo's pay records and probation length speak for themselves and this Defendant denies any allegations inconsistent with the plain language of those documents. This Defendant further denies that any of his actions were discriminatory. This Defendant denies any remaining allegations contained in this paragraph.

182. With reference to the allegations contained in paragraph 182 of Plaintiffs' First Amended Complaint, this Defendant is currently uninformed as to whom Plaintiff Araujo is referencing and therefore, at this time, denies the same. However, this Defendant outright denies any inference that he engaged in discrimination.

183. With reference to the allegations contained in paragraph 183 of Plaintiffs' First Amended Complaint, this Defendant is currently uninformed as to whom Plaintiff Araujo is referencing and therefore, at this time, denies the same.

184. With reference to the allegations contained in paragraph 184 of Plaintiffs' First Amended Complaint, is currently uninformed as to whom Plaintiff Araujo is referencing and therefore, at this time, denies the same.

185. This Defendant denies the allegations contained in paragraph 185 of Plaintiffs First Amended Complaint.

186. This Defendant denies the allegations contained in paragraph 185 of Plaintiffs First Amended Complaint.

187. With reference to the allegations contained in paragraph 187 of Plaintiffs' First Amended Complaint, this Defendant admits, upon information and belief, that at some point Plaintiff Araujo applied for SWAT.

188. This Defendant denies the allegations contained in paragraph 188 of Plaintiffs' First Amendment Complaint.

189. With reference to the allegations contained in paragraph 189 of Plaintiffs' First Amended Complaint, this Defendant admits that at some point Justin Yaeger was assigned to SWAT. This Defendant is currently uninformed or our right denies the remaining allegations contained in this paragraph.

190. With reference to the allegations contained in paragraph 190 of Plaintiffs' First Amended Complaint, this Defendant is currently uninformed and therefore, at this time, denies the same.

191. With reference to the allegations contained in paragraph 191 of Plaintiffs' First Amended Complaint, this Defendant is currently uninformed and therefore, at this time, denies the same. That said, this Defendant denies that he pressured anyone regarding the selection.

192. With reference to the allegations contained in paragraph 192 of Plaintiffs' First Amended Complaint, this Defendant admits that in or about 2009 this Defendant was assigned as

the sergeant of NCDTF and that he had previously been a detective in that unit. All remaining allegations contained in this paragraph are denied.

193. With reference to the allegations contained in paragraph 193 of Plaintiffs' First Amended Complaint, this Defendant admits that in or about 2012 Plaintiff Araujo was assigned to the NCDTF. This Defendant further admits that the NCDTF is a special assignment. All remaining allegations contained in this paragraph are denied.

194. This Defendant denies the allegations contained in paragraph 194 of Plaintiffs' First Amended Complaint.

195. This Defendant denies the allegations contained in paragraph 195 of Plaintiffs' First Amended Complaint.

196. This Defendant denies the allegations contained in paragraph 196 of Plaintiffs' First Amended Complaint.

197. This Defendant denies the allegations contained in paragraph 197 of Plaintiffs' First Amended Complaint.

198. With reference to the allegations contained in paragraph 198 of Plaintiffs' First Amended Complaint, this Defendant admits that in 2014 Plaintiff Araujo was issued a written reprimand, which this Defendant avers speaks for itself. This Defendant denies any allegations inconsistent with the plain language of the reprimand.

199. With reference to the allegations contained in paragraph 199 of Plaintiffs' First Amended Complaint, this Defendant admits that in 2014 Plaintiff Araujo was issued a written reprimand, which this Defendant avers speaks for itself. This Defendant denies any allegations inconsistent with the plain language of the reprimand.

200. With reference to the allegations contained in paragraph 200 of Plaintiffs' First Amended Complaint, this Defendant avers that FCPD policy speaks for itself. This Defendant denies any remaining allegations contained in this paragraph.

201. With reference to the allegations contained in paragraph 201 of Plaintiffs' First Amended Complaint, this Defendant admits that he may have texted with Plaintiff Araujo in 2014 and avers that any text messages would speak for themselves.

202. With reference to the allegations contained in paragraph 202 of Plaintiffs' First Amended Complaint, this Defendant admits that he may have texted with Plaintiff Araujo in 2014 and avers that any text messages would speak for themselves.

203. With reference to the allegations contained in paragraph 203 of Plaintiffs' First Amended Complaint, this Defendant admits that Det. Jaclyn Shaklee advised him of a concern related to action not performed by Plaintiff Araujo.

204. With reference to the allegations contained in paragraph 204 of Plaintiffs' First Amended Complaint, this Defendant admits that Sgt. Kristy Volesky advised him of a concern related to action not performed by Plaintiff Araujo.

205. With reference to the allegations contained in paragraph 205 of Plaintiffs' First Amended Complaint, this Defendant admits that he and Plaintiff Araujo discussed the police report issues raised to this Defendant.

206. With reference to the allegations contained in paragraph 206 of Plaintiffs' First Amended Complaint, this Defendant admits that he and Plaintiff Araujo discussed the police report issues raised to this Defendant.

207. With reference to the allegations contained in paragraph 207 of Plaintiffs' First Amended Complaint, this Defendant admits that he did not initially recall a single prior text message regarding translation services, but later his memory was refreshed.

208 This Defendant admits the allegations contained in paragraph 208 of Plaintiffs' First Amendment Complaint.

209. With reference to the allegations contained in paragraph 209 of Plaintiffs' First Amended Complaint, this Defendant admits that he and Plaintiff Araujo discussed the police report issues raised to this Defendant.

210. With reference to the allegations contained in paragraph 210 of Plaintiffs' First Amended Complaint, this Defendant is currently uninformed and therefore, at this time, denies the same.

211. With reference to the allegations contained in paragraph 211 of Plaintiffs' First Amended Complaint, this Defendant admits that in 2014 Plaintiff Araujo received a reprimand which this Defendant avers speaks for itself. This Defendant denies any allegations inconsistent with the plain language of the reprimand.

212. With reference to the allegations contained in paragraph 212 of Plaintiffs' First Amended Complaint, this Defendant admits that in 2014 Plaintiff Araujo received a reprimand which this Defendant avers speaks for itself. This Defendant denies any allegations inconsistent with the plain language of the reprimand.

213. With reference to the allegations contained in paragraph 213 of Plaintiffs' First Amended Complaint, this Defendant admits that in 2014 Plaintiff Araujo received a reprimand

which this Defendant avers speaks for itself. This Defendant denies any allegations inconsistent with the plain language of the reprimand.

214. This Defendant denies the allegations contained in paragraph 214 of Plaintiffs' First Amended Complaint.

215. This Defendant denies the allegations contained in paragraph 215 of Plaintiffs' First Amended Complaint.

216. Upon information and belief, this Defendant admits the allegations contained in paragraph 216 of Plaintiffs' First Amended Complaint, although this Defendant denies that Det. Shaklee had a responsibility to issue a report.

217. Upon information and belief, this Defendant admits the Det. Shaklee has not received discipline as set forth in paragraph 217 of Plaintiffs' First Amended Complaint, although this Defendant denies that Det. Shaklee should have been disciplined.

218. With reference to the allegations contained in paragraph 218 of Plaintiffs' First Amended Complaint, this Defendant avers that he is currently uninformed and therefore, at this time, denies the same.

219. With reference to the allegations contained in paragraph 219 of Plaintiffs' First Amended Complaint, this Defendant is currently uninformed and therefore denies the allegations contained therein. This Defendant further denies any inference of misconduct by him.

220. This Defendant denies the allegations contained in paragraph 220 of Plaintiffs' First Amended Complaint.

221. With reference to the allegations contained in paragraph 221 of Plaintiffs' First Amended Complaint, this Defendant is currently uninformed and therefore denies the allegations contained therein.

222. With reference to the allegations contained in paragraph 222 of Plaintiffs' First Amended Complaint, this Defendant is currently uninformed and therefore denies the allegations contained therein.

223. With reference to the allegations contained in paragraph 223 of Plaintiffs' First Amended Complaint, this Defendant is currently uninformed and, therefore, denies the allegations contained therein.

224. With reference to the allegations contained in paragraph 224 of Plaintiffs' First Amended Complaint, this Defendant is currently uninformed and, therefore, denies the allegations contained therein.

225. With reference to the allegations contained in paragraph 225 of Plaintiffs' First Amended Complaint, this Defendant is currently uninformed and, therefore, denies the allegations contained therein.

226. With reference to the allegations contained in paragraph 226 of Plaintiffs' First Amended Complaint, this Defendant is currently uninformed and, therefore, denies the allegations contained therein.

227. With reference to the allegations contained in paragraph 227 of Plaintiffs' First Amended Complaint, this Defendant is currently uninformed and, therefore, denies the allegations contained therein.

228. With reference to the allegations contained in paragraph 228 of Plaintiffs' First Amended Complaint, this Defendant is currently uninformed and, therefore, denies the allegations contained therein.

229. With reference to the allegations contained in paragraph 229 of Plaintiffs' First Amended Complaint, this Defendant is currently uninformed and, therefore, denies the allegations contained therein.

230. With reference to the allegations contained in paragraph 230 of Plaintiffs' First Amended Complaint, this Defendant admits that there was an IA in 2014 and that the records speak for themselves.

231. With reference to the allegations contained in paragraph 231 of Plaintiffs' First Amended Complaint, this Defendant admits that an internal affairs investigation occurred in 2014 and that the records speak for themselves.

232. With reference to the allegations contained in paragraph 232 of Plaintiffs' First Amended Complaint, this Defendant admits that an internal affairs investigation occurred in 2014 and that the records speak for themselves.

233. With reference to the allegations contained in paragraph 233 of Plaintiffs' First Amended Complaint, this Defendant avers that the findings memo speaks for itself and that this Defendant was exonerated as to alleged violation 340.3.5. Any remaining allegations contained in this paragraph inconsistent with the plain language of the IA findings are denied.

234. With reference to the allegations contained in paragraph 234 of Plaintiffs' First Amended Complaint, this Defendant avers that the findings memo speaks for itself. Any

remaining allegations contained in this paragraph inconsistent with the plain language of the IA findings are denied

235. With reference to the allegations contained in paragraph 235 of Plaintiffs' First Amended Complaint, this Defendant is currently uninformed and therefore, at this time, denies the same.

236. With reference to the allegations contained in paragraph 236 of Plaintiffs' First Amendment Complaint, this Defendant admits that he received oral counseling in or about 2014.

237. With reference to the allegations contained in paragraph 237 of Plaintiffs' First Amended Complaint, this Defendant avers that the allegations are not directed toward him and, therefore, no response is required. To the extent a response is required, this Defendant avers that he acted in compliance with City/Departmental Policy and denies any allegations of impropriety contained herein.

238. With reference to the allegations contained in paragraph 238 of Plaintiffs' First Amended Complaint, this Defendant admits he was interviewed as part of an HR investigation and he avers that the records speak for themselves.

239. With reference to the allegations contained in paragraph 239 of Plaintiffs' First Amended Complaint, this Defendant admits he was interviewed as part of an HR investigation and he avers that the records speak for themselves.

240. With reference to the allegations contained in paragraph 240 of Plaintiffs' First Amended Complaint, this Defendant admits he was interviewed as part of an HR investigation and he avers that the records speak for themselves.

241. With reference to the allegations contained in paragraph 241 of Plaintiffs' First Amended Complaint, this Defendant is currently uninformed as to what action the City undertook and therefore, at this time, denies the same. This Defendant, however, outright denies any implication of misconduct by him.

242. With reference to the allegations contained in paragraph 242 of Plaintiffs' First Amended Complaint, this Defendant is currently uninformed and therefore, at this time, denies the same.

243. With reference to the allegations contained in paragraph 243 of Plaintiffs' First Amended Complaint, this Defendant is currently uninformed and therefore, at this time, denies the same.

244. With reference to the allegations contained in paragraph 244 of Plaintiffs' First Amended Complaint, this Defendant is currently uninformed and therefore, at this time, denies the same.

245. With reference to the allegations contained in paragraph 245 of Plaintiffs' First Amended Complaint, this Defendant avers the allegations are not directed toward him and, therefore, no response is required. To the extent a response is required, this Defendant is currently uninformed and therefore, at this time, denies the same.

246. With reference to the allegations contained in paragraph 246 of Plaintiffs' First Amended Complaint, this Defendant avers the allegations are not directed toward him and, therefore, no response is required. To the extent a response is required, this Defendant is currently uninformed and therefore, at this time, denies the same.

247. With reference to the allegations contained in paragraph 247 of Plaintiffs' First Amended Complaint, this Defendant avers the allegations are not directed toward him and, therefore, no response is required. To the extent a response is required, this Defendant is currently uninformed and therefore, at this time, denies the same.

248. With reference to the allegations contained in paragraph 248 of Plaintiffs' First Amended Complaint, this Defendant avers the allegations are not directed toward him and, therefore, no response is required. To the extent a response is required, this Defendant is currently uninformed and therefore, at this time, denies the same.

249. With reference to the allegations contained in paragraph 249 of Plaintiffs' First Amended Complaint, this Defendant avers the allegations are not directed toward him and, therefore, no response is required. To the extent a response is required, this Defendant is currently uninformed and therefore, at this time, denies the same.

250. This Defendant denies the allegations contained in paragraph 250 of Plaintiffs' First Amendment Complaint.

251. With reference to the allegations contained in paragraph 251 of Plaintiffs' First Amended Complaint, this Defendant avers the allegations are not directed toward him and, therefore, no response is required. To the extent a response is required, this Defendant is currently uninformed and therefore, at this time, denies the same.

252. With reference to the allegations contained in paragraph 252 of Plaintiffs' First Amended Complaint, this Defendant avers the allegations are not directed toward him and, therefore, no response is required. To the extent a response is required, this Defendant is currently uninformed and therefore, at this time, denies the same.

253. With reference to the allegations contained in paragraph 253 of Plaintiffs' First Amended Complaint, this Defendant avers the allegations are not directed toward him and, therefore, no response is required. To the extent a response is required, this Defendant denies any allegations directed against him and is currently uninformed as to the remainder and therefore, at this time, denies the same.

254. With reference to the allegations contained in paragraph 254 of Plaintiffs' First Amended Complaint, this Defendant admits, upon information and belief, that Plaintiff Araujo resigned from the Fort Collins Police Department. This Defendant denies all remaining allegations contained in this paragraph.

255. With reference to the allegations contained in paragraph 255 of Plaintiffs' First Amended Complaint, this Defendant, upon information and belief, admits that Plaintiff Araujo works for the Denver Police Department. This Defendant denies any remaining allegations contained in this paragraph.

256. With reference to the allegations contained in paragraph 256 of Plaintiffs' First Amended Complaint, this Defendant avers that the allegations are not directed toward him and, therefore, no response is required. To the extent a response is required, this Defendant denies the allegations contained therein.

257. With reference to the allegations contained in paragraph 257 of Plaintiffs' First Amended Complaint, this Defendant avers that the allegations are not directed toward him and, therefore, no response is required. To the extent a response is required, this Defendant denies the allegations contained therein.

258. With reference to the allegations contained in paragraph 258 of Plaintiffs' First Amended Complaint, this Defendant avers that the allegations are not directed toward him and, therefore, no response is required. To the extent a response is required, this Defendant is currently uninformed as to the allegations contained therein and, therefore, denies the same.

259. With reference to the allegations contained in paragraph 259 of Plaintiffs' First Amended Complaint, this Defendant avers that the allegations are not directed toward him and, therefore, no response is required. To the extent a response is required, this Defendant is currently uninformed as to the allegations contained therein and, therefore, denies the same.

260. With reference to the allegations contained in paragraph 260 of Plaintiffs' First Amended Complaint, this Defendant avers that the allegations are not directed toward him and, therefore, no response is required. To the extent a response is required, this Defendant is currently uninformed as to the allegations contained therein and, therefore, denies the same.

261. With reference to the allegations contained in paragraph 261 of Plaintiffs' First Amended Complaint, this Defendant avers that any email sent by Chief Hutto speaks for itself and this Defendant denies any remaining allegations contained in this paragraph. This Defendant further denies that the email referenced in any way supports Plaintiffs' claims.

262. With reference to the allegations contained in paragraph 262 of Plaintiffs' First Amended Complaint, this Defendant avers that the allegations are not directed toward him and, therefore, no response is required. To the extent a response is required, this Defendant denies the allegations contained therein.

263. With reference to the allegations contained in paragraph 263 of Plaintiffs' First Amended Complaint, this Defendant avers that the email cited speaks for itself and denies any remaining allegations contained in this paragraph.

264. With reference to the allegations contained in paragraph 264 of Plaintiffs' First Amended Complaint, this Defendant is currently uninformed and therefore, at this time, denies the same.

265. With reference to the allegations contained in paragraph 265 of Plaintiffs' First Amended Complaint, this Defendant is currently uninformed and therefore, at this time, denies the same.

266. With reference to the allegations contained in paragraph 266 of Plaintiffs' First Amended Complaint, this Defendant hereby incorporates the responses to the allegations incorporated in that paragraph.

267. With reference to the allegations contained in paragraph 267 of Plaintiffs' First Amended Complaint, this Defendant admits, upon information and belief, that Plaintiff Araujo was born in Brazil. This Defendant is currently uninformed as to the remaining allegations contained in this paragraph and, therefore, they are denied.

268. With reference to the allegations contained in paragraph 268 of Plaintiffs' First Amended Complaint, this Defendant avers that Title VII speaks for itself and denies any allegations inconsistent with the plain language of the Act.

269. With reference to the allegations contained in paragraph 269 of Plaintiffs' First Amended Complaint, this Defendant avers that the allegations are not directed toward him and,

therefore, no response is required. To the extent a response is required, this Defendant denies the allegations contained therein.

270. With reference to the allegations contained in paragraph 270 of Plaintiffs' First Amended Complaint, this Defendant avers that the allegations are not directed toward him and, therefore, no response is required. To the extent a response is required, this Defendant denies the allegations contained therein.

271. With reference to the allegations contained in paragraph 271 of Plaintiffs' First Amended Complaint, this Defendant avers that the allegations are not directed toward him and, therefore, no response is required. To the extent a response is required, this Defendant denies the allegations contained therein.

272. With reference to the allegations contained in paragraph 272 of Plaintiffs' First Amended Complaint, this Defendant avers that the allegations are not directed toward him and, therefore, no response is required. To the extent a response is required, this Defendant denies the allegations contained therein.

273. With reference to the allegations contained in paragraph 273 of Plaintiffs' First Amended Complaint, this Defendant avers that the allegations are not directed toward him and, therefore, no response is required. To the extent a response is required, this Defendant denies the allegations contained therein.

274. With reference to the allegations contained in paragraph 274 of Plaintiffs' First Amended Complaint, this Defendant avers that the allegations are not directed toward him and, therefore, no response is required. To the extent a response is required, this Defendant denies the allegations contained therein.

275. With reference to the allegations contained in paragraph 275 of Plaintiffs' First Amended Complaint, this Defendant avers that the allegations are not directed toward him and, therefore, no response is required. To the extent a response is required, this Defendant denies the allegations contained therein.

276. With reference to the allegations contained in paragraph 276 of Plaintiffs' First Amended Complaint, this Defendant avers that the allegations are not directed toward him and, therefore, no response is required. To the extent a response is required, this Defendant denies the allegations contained therein.

277. With reference to the allegations contained in paragraph 277 of Plaintiffs' First Amended Complaint, this Defendant avers that the allegations are not directed toward him and, therefore, no response is required. To the extent a response is required, this Defendant denies the allegations contained therein.

278. With reference to the allegations contained in paragraph 278 of Plaintiffs' First Amended Complaint, this Defendant hereby incorporates the responses to the allegations incorporated in that paragraph.

279. With reference to the allegations contained in paragraph 279 of Plaintiffs' First Amended Complaint, this Defendant admits, upon information and belief, that Plaintiff Araujo was born in Brazil. This Defendant is currently uninformed as to the remaining allegations contained in this paragraph and, therefore, they are denied.

280. With reference to the allegations contained in paragraph 280 of Plaintiffs' First Amended Complaint, this Defendant is currently uninformed and therefore, at this time, denies the same.

281. With reference to the allegations contained in paragraph 281 of Plaintiffs' First Amended Complaint, this Defendant avers that the law cited speaks for itself and this Defendant denies any remaining allegations contained in this paragraph.

282. This Defendant denies the allegations contained in this paragraph 282 of Plaintiffs' First Amended Complaint.

283. This Defendant denies the allegations contained in this paragraph 283 of Plaintiffs' First Amended Complaint.

284. This Defendant denies the allegations contained in this paragraph 284 of Plaintiffs' First Amended Complaint.

285. This Defendant denies the allegations contained in this paragraph 285 of Plaintiffs' First Amended Complaint.

286. This Defendant denies the allegations contained in this paragraph 286 of Plaintiffs' First Amended Complaint.

287. This Defendant denies the allegations contained in this paragraph 287 of Plaintiffs' First Amended Complaint.

288. This Defendant denies the allegations contained in this paragraph 288 of Plaintiffs' First Amended Complaint.

289. This Defendant denies the allegations contained in this paragraph 289 of Plaintiffs' First Amended Complaint.

290. This Defendant denies the allegations contained in this paragraph 290 of Plaintiffs' First Amended Complaint.

291. This Defendant denies the allegations contained in this paragraph 291 of Plaintiffs' First Amended Complaint.

292. With reference to the allegations contained in paragraph 292 of Plaintiffs' First Amended Complaint, this Defendant hereby incorporates the responses to the allegations incorporated in that paragraph.

293. This Defendant denies the allegations contained in paragraph 293 of Plaintiffs' First Amended Complaint.

294. With reference to the allegations contained in paragraph 294 of Plaintiffs' First Amended Complaint, this Defendant avers that the statute cited speaks for itself and this Defendant denies any and all remaining allegations contained in this paragraph.

295. With reference to the allegations contained in paragraph 295 of Plaintiffs' First Amended Complaint, this Defendant avers that the law governing this claims speaks for itself and this Defendant denies any and all remaining allegations contained in this paragraph.

296. This Defendant denies the allegations contained in this paragraph 296 of Plaintiffs' First Amended Complaint.

297. This Defendant denies the allegations contained in this paragraph 297 of Plaintiffs' First Amended Complaint.

298. This Defendant denies the allegations contained in this paragraph 298 of Plaintiffs' First Amended Complaint.

299. This Defendant denies the allegations contained in this paragraph 299 of Plaintiffs' First Amended Complaint.

300. This Defendant denies the allegations contained in this paragraph 300 of Plaintiffs' First Amended Complaint.

301. This Defendant denies the allegations contained in this paragraph 301 of Plaintiffs' First Amended Complaint.

302. This Defendant denies the allegations contained in this paragraph 302 of Plaintiffs' First Amended Complaint.

303. This Defendant denies the allegations contained in this paragraph 303 of Plaintiffs' First Amended Complaint.

304. With reference to the allegations contained in paragraph 304 of Plaintiffs' First Amended Complaint, this Defendant hereby incorporates the responses to the allegations incorporated in that paragraph.

305. With reference to the allegations contained in paragraph 305 of Plaintiffs' First Amended Complaint, this Defendant avers that the allegations are not directed toward him and, therefore, no response is required. To the extent a response is required, this Defendant admits that Donald Vagge was a Deputy Chief for the Fort Collins Police Department. This Defendant is currently uninformed as to the remaining allegations contained in this paragraph and therefore, at this time, denies the same.

306. With reference to the allegations contained in paragraph 306 of Plaintiffs' First Amended Complaint, this Defendant avers that the allegations are not directed toward him and, therefore, no response is required. To the extent a response is required, this Defendant admits that, with respect to all actions he took in his capacity as a police officer, he was acting under the color of state law. This Defendant denies all remaining allegations directed at him and is

currently uninformed as to the allegations not directed toward him and therefore, at this time, denies the same.

307. With reference to the allegations contained in paragraph 307 of Plaintiffs' First Amended Complaint, this Defendant avers that the allegations are not directed toward him and, therefore, no response is required. Further, this Defendant avers that the allegations seek a legal conclusion to which no response is required. To the extent a response is required, this Defendant denies the allegations contained therein.

308. With reference to the allegations contained in paragraph 308 of Plaintiffs' First Amended Complaint, this Defendant avers that the allegations are not directed toward him and, therefore, no response is required. To the extent a response is required, this Defendant denies the allegations contained therein.

309. With reference to the allegations contained in paragraph 309 of Plaintiffs' First Amended Complaint, this Defendant avers that the allegations are not directed toward him and, therefore, no response is required. To the extent a response is required, this Defendant denies the allegations contained therein.

310. With reference to the allegations contained in paragraph 310 of Plaintiffs' First Amended Complaint, this Defendant avers that the allegations are not directed toward him and, therefore, no response is required. To the extent a response is required, this Defendant denies the allegations contained therein.

311. With reference to the allegations contained in paragraph 311 of Plaintiffs' First Amended Complaint, this Defendant avers that the allegations are not directed toward him and,

therefore, no response is required. To the extent a response is required, this Defendant denies the allegations contained therein.

312. With reference to the allegations contained in paragraph 312 of Plaintiffs' First Amended Complaint, this Defendant avers that the allegations are not directed toward him and, therefore, no response is required. To the extent a response is required, this Defendant denies the allegations contained therein.

313. With reference to the allegations contained in paragraph 313 of Plaintiffs' First Amended Complaint, this Defendant avers that the allegations are not directed toward him and, therefore, no response is required. To the extent a response is required, this Defendant denies the allegations contained therein.

314. With reference to the allegations contained in paragraph 314 of Plaintiffs' First Amended Complaint, this Defendant avers that the allegations are not directed toward him and, therefore, no response is required. To the extent a response is required, this Defendant denies the allegations contained therein.

315. With reference to the allegations contained in paragraph 315 of Plaintiffs' First Amended Complaint, this Defendant avers that the allegations are not directed toward him and, therefore, no response is required. To the extent a response is required, this Defendant denies the allegations contained therein.

316. With reference to the allegations contained in paragraph 316 of Plaintiffs' First Amended Complaint, this Defendant avers that the allegations are not directed toward him and, therefore, no response is required. To the extent a response is required, this Defendant denies the allegations contained therein.

317. With reference to the allegations contained in paragraph 317 of Plaintiffs' First Amended Complaint, this Defendant avers that the allegations are not directed toward him and, therefore, no response is required. To the extent a response is required, this Defendant denies the allegations contained therein.

318. With reference to the allegations contained in paragraph 318 of Plaintiffs' First Amended Complaint, this Defendant avers that the allegations are not directed toward him and, therefore, no response is required. To the extent a response is required, this Defendant denies the allegations contained therein.

319. With reference to the allegations contained in paragraph 319 of Plaintiffs' First Amended Complaint, this Defendant avers that the allegations are not directed toward him and, therefore, no response is required. To the extent a response is required, this Defendant denies the allegations contained therein.

320. With reference to the allegations contained in paragraph 320 of Plaintiffs' First Amended Complaint, this Defendant avers that the allegations are not directed toward him and, therefore, no response is required. To the extent a response is required, this Defendant denies the allegations contained therein.

321. With reference to the allegations contained in paragraph 321 of Plaintiffs' First Amended Complaint, this Defendant avers that the allegations are not directed toward him and, therefore, no response is required. To the extent a response is required, this Defendant denies the allegations contained therein.

322. With reference to the allegations contained in paragraph 322 of Plaintiffs' First Amended Complaint, this Defendant hereby incorporates the responses to the allegations incorporated in that paragraph.

323. With reference to the allegations contained in paragraph 323 of Plaintiffs' First Amended Complaint, this Defendant avers that the allegations are not directed toward him and, therefore, no response is required. To the extent a response is required, this Defendant admits that at times Donald Vagge was a Deputy Chief for the Fort Collins Police Department. This Defendant is currently uninformed as to the remaining allegations contained in this paragraph and therefore, at this time, denies the same.

324. With reference to the allegations contained in paragraph 324 of Plaintiffs' First Amended Complaint, this Defendant avers that the allegations are not directed toward him and, therefore, no response is required. To the extent a response is required, this Defendant admits that, with respect to all actions he took in his capacity as a police officer, he was acting under the color of state law. This Defendant is currently uninformed as to the allegations not directed toward him and therefore, at this time, denies the same.

325. With reference to the allegations contained in paragraph 325 of Plaintiffs' First Amended Complaint, this Defendant avers that the allegations are not directed toward him and, therefore, no response is required. Further, this Defendant avers that the allegations seek a legal conclusion to which no response is required. To the extent a response is required, this Defendant denies the allegations contained therein.

326. With reference to the allegations contained in paragraph 326 of Plaintiffs' First Amended Complaint, this Defendant avers that the allegations are not directed toward him and,

therefore, no response is required. To the extent a response is required, this Defendant denies the allegations contained therein.

327. With reference to the allegations contained in paragraph 327 of Plaintiffs' First Amended Complaint, this Defendant avers that the allegations are not directed toward him and, therefore, no response is required. To the extent a response is required, this Defendant denies the allegations contained therein.

328. With reference to the allegations contained in paragraph 328 of Plaintiffs' First Amended Complaint, this Defendant avers that the allegations are not directed toward him and, therefore, no response is required. To the extent a response is required, this Defendant denies the allegations contained therein.

329. With reference to the allegations contained in paragraph 329 of Plaintiffs' First Amended Complaint, this Defendant avers that the allegations are not directed toward him and, therefore, no response is required. To the extent a response is required, this Defendant denies the allegations contained therein.

330. With reference to the allegations contained in paragraph 330 of Plaintiffs' First Amended Complaint, this Defendant avers that the allegations are not directed toward him and, therefore, no response is required. To the extent a response is required, this Defendant denies the allegations contained therein.

331. With reference to the allegations contained in paragraph 331 of Plaintiffs' First Amended Complaint, this Defendant avers that the allegations are not directed toward him and, therefore, no response is required. To the extent a response is required, this Defendant denies the allegations contained therein.

332. With reference to the allegations contained in paragraph 332 of Plaintiffs' First Amended Complaint, this Defendant avers that the allegations are not directed toward him and, therefore, no response is required. To the extent a response is required, this Defendant denies the allegations contained therein.

333. With reference to the allegations contained in paragraph 333 of Plaintiffs' First Amended Complaint, this Defendant avers that the allegations are not directed toward him and, therefore, no response is required. To the extent a response is required, this Defendant denies the allegations contained therein.

334. With reference to the allegations contained in paragraph 334 of Plaintiffs' First Amended Complaint, this Defendant avers that the allegations are not directed toward him and, therefore, no response is required. To the extent a response is required, this Defendant denies the allegations contained therein.

335. With reference to the allegations contained in paragraph 335 of Plaintiffs' First Amended Complaint, this Defendant avers that the allegations are not directed toward him and, therefore, no response is required. To the extent a response is required, this Defendant denies the allegations contained therein.

336. With reference to the allegations contained in paragraph 336 of Plaintiffs' First Amended Complaint, this Defendant avers that the allegations are not directed toward him and, therefore, no response is required. To the extent a response is required, this Defendant denies the allegations contained therein.

337. With reference to the allegations contained in paragraph 337 of Plaintiffs' First Amended Complaint, this Defendant avers that the allegations are not directed toward him and,

therefore, no response is required. To the extent a response is required, this Defendant denies the allegations contained therein.

338. With reference to the allegations contained in paragraph 338 of Plaintiffs' First Amended Complaint, this Defendant avers that the allegations are not directed toward him and, therefore, no response is required. To the extent a response is required, this Defendant denies the allegations contained therein.

339. With reference to the allegations contained in paragraph 339 of Plaintiffs' First Amended Complaint, this Defendant avers that the allegations are not directed toward him and, therefore, no response is required. To the extent a response is required, this Defendant denies the allegations contained therein.

340. With reference to the allegations contained in paragraph 340 of Plaintiffs' First Amended Complaint, this Defendant avers that the allegations are not directed toward him and, therefore, no response is required. To the extent a response is required, this Defendant denies the allegations contained therein.

341. This Defendant denies each and every other allegation not heretofore specifically admitted.

#### **AFFIRMATIVE DEFENSES**

##### **FIRST AFFIRMATIVE DEFENSE**

All or a portion of Plaintiffs' claims may not state a cause of action upon which relief can be granted against this Defendant.

##### **SECOND AFFIRMATIVE DEFENSE**

Plaintiffs may have failed to mitigate their damages, if any, as required by law.

**THIRD AFFIRMATIVE DEFENSE**

Any actions by this Defendant concerning either Plaintiff were based on legitimate, non-discriminatory and non-retaliatory reasons.

**FOURTH AFFIRMATIVE DEFENSE**

Some or all of Plaintiffs' claims against these Defendants may be barred or limited by the following doctrines:

1. Acquiescence;
2. Unclean Hands;
3. Release/ Waiver, and;
4. Estoppel.

**FIFTH AFFIRMATIVE DEFENSE**

The Defendant is entitled to qualified immunity from suit.

**SIXTH AFFIRMATIVE DEFENSE**

At all times this Defendant acted in a legally permissible manner.

**SEVENTH AFFIRMATIVE DEFENSE**

This Defendant may be entitled to their attorney's fees and costs in defense of this case pursuant to the provisions of 42 U.S.C. §1988 and any other applicable statutory or case law.

**EIGHTH AFFIRMATIVE DEFENSE**

This Defendant alleges that the proximate cause of Plaintiffs' claimed injuries and/or damages, if any, is not the fault of this Defendant, but instead is the fault of the respective Plaintiff or third parties over whom this Defendant had no control.

**NINTH AFFIRMATIVE DEFENSE**

This Defendant alleges that Plaintiffs claims are barred as this Defendant acted in good faith.

**TENTH AFFIRMATIVE DEFENSE**

This Defendant avers that Plaintiffs' alleged damages may be barred and/or limited by state and/or federal law, including but not limited to C.R.S. 13-21-102 et seq and 42 USC 1981.

**ELEVENTH AFFIRMATIVE DEFENSE**

This Defendant avers that some of Plaintiffs' claims may be barred in whole or in part based upon statute of limitations and/or a failure to exhaust administrative remedies.

**RESERVATION AND INCORPORATION OF AFFIRMATIVE DEFENSES**

This Defendant reserves the right to assert any other defenses which may be disclosed as discovery and investigation are accomplished and hereby request leave of Court to amend this Answer, if necessary, at a later date. This Defendant also hereby incorporates any affirmative defenses identified by either of the other Defendants to the extent applicable.

WHEREFORE, having fully answered Plaintiffs' First Amended Complaint, this Defendant prays that the same be dismissed and denied and that this Defendant have judgment against Plaintiffs for all costs herein expended, for reasonable attorney fees and for such other and further relief as the Court may deem proper.

**THIS DEFENDANT REQUESTS A TRIAL BY JURY OF ALL OF PLAINTIFFS' CLAIMS WHICH ARE SO TRIABLE.**

Respectfully submitted this 26<sup>th</sup> day of September, 2016

/s/ Marni Nathan Kloster

Marni Nathan Kloster

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**CERTIFICATE OF SERVICE**

I hereby certify that on this 26<sup>th</sup> day of September, 2016, I electronically filed the foregoing **DEFENDANT GARY SHAKLEE'S ANSWER TO PLAINTIFFS' FIRST AMENDED COMPLAINT AND JURY DEMAND** with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following at their e-mail addresses:.

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