

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 17-CV-01177-LTB

**DAKOTA TYLER MCGRATH,**

Plaintiff,

v.

**FORT COLLINS POLICE SERVICES OFFICER NICK RODGERS,** in his individual  
capacity,

Defendant.

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**PLAINTIFF'S RESPONSES TO DEFENDANT'S FIRST SET OF  
REQUESTS FOR ADMISSION**

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1. Admit that, on the night of the **INCIDENT**, **YOU** ignored Defendant's  
commands to step away from **YOUR** vehicle and sit down on a curb.

**RESPONSE:** Denied.

2. Admit that, on the night of the **INCIDENT**, **YOU** walked away from Defendant  
after he commanded **YOU** to approach him and sit down on a curb.

**RESPONSE:** Denied.

3. Admit that, on the night of the **INCIDENT**, when Defendant informed **YOU** that  
**YOU** were under arrest and that force would be used against **YOU** if **YOU** did not comply with  
Defendant's commands, **YOU** responded, "Do what you have to do."

**RESPONSE:**

4. Admit that, on the night of the **INCIDENT**, Defendant delivered a single blow to  
**YOUR** left scapula consisting of a two-handed straight strike with Defendant's wooden baton,  
which caused **YOU** to fall to the ground.

**RESPONSE:** Denied.



5. Admit that, on the night of the **INCIDENT**, **YOU** reached for **YOUR** backpack after Defendant commanded **YOU** to roll over on to **YOUR** stomach.

**RESPONSE:** Denied.

6. Admit that, on the night of the **INCIDENT**, **YOU** resisted officers' attempts to place **YOU** in handcuffs.

**RESPONSE:** Denied.

7. Admit that, on the night of the **INCIDENT**, **YOU** head-butted Lalo Rodriguez.

**RESPONSE:** Denied.

8. Admit that, on the night of the **INCIDENT**, **YOU** drank alcoholic beverages.

**RESPONSE:** Admitted.

9. Admit that, on the night of the **INCIDENT**, **YOU** refused to comply with hospital personnel's requests to let them examine you.

**RESPONSE:** Denied.

Dated this 9<sup>th</sup> day of January, 2018.

THE VIORST LAW OFFICES, P.C.

*[Original signature on file at Viorst Law Offices, P.C.]*

*s/ Anthony Viorst*

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Attorney for Plaintiff

**CERTIFICATE OF SERVICE**

I hereby certify that on this 9<sup>th</sup> day of January, 2018, I electronically served the foregoing **PLAINTIFF'S RESPONSES TO DEFENDANT'S FIRST SET OF INTERROGATORIES, REQUESTS FOR PRODUCTION OF DOCUMENTS, AND REQUESTS FOR ADMISSION** via email upon the following e-mail address(es):

Matthew J. Hegarty, Esq.  
Thomas J. Lyons, Esq.  
Hall & Evans, LLC  
1001 Seventeenth Street, Suite 300  
Denver, CO 80202

*[Original signature on file at Viorst Law Offices, P.C.]*

*s/ Michelle Spadavecchia*

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Legal Assistant