

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 1:17-cv-01177-LTB-NYW

DAKOTA TYLER MCGRATH,

Plaintiff,

v.

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

Defendant.

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**PLAINTIFF'S NOTICE OF WITHDRAWAL OF ALL CLAIMS FOR MENTAL  
DAMAGE AND ABANDONMENT OF ANY ABILITY TO SEEK COMPENSATION  
FOR SAME OR PRESENT EVIDENCE IN SUPPORT OF SAME**

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Plaintiff Dakota McGrath, by and through counsel, Anthony Viorst of the Viorst Law Offices, P.C., hereby notifies this Court that he is withdrawing any and all claims for mental damage in the following particulars:

- (1) any and all claims of emotional distress, claims for compensation related to emotional distress, and any ability to offer at trial any medical records, testimony, or other evidence which touches on the issue of emotional distress in any way;
- (2) any and all claims of mental pain and suffering, claims for compensation related to mental pain and suffering, and any ability to offer at trial any medical records, testimony, or other evidence which touches on the issue of mental pain and suffering in any way; and

**EXHIBIT B**

(3) any and all claims of loss of enjoyment of life, claims for compensation related to loss of enjoyment of life, and any ability to offer at trial any medical records, testimony, or other evidence which touches on the issue of loss of enjoyment of life in any way.

Respectfully submitted this \_\_\_\_ day of \_\_\_\_\_, 2018.

THE VIORST LAW OFFICES, P.C.

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

s/ #  
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**ATTORNEYS FOR PLAINTIFF**

**CERTIFICATE OF SERVICE (CM/ECF)**

I hereby certify that on this \_\_\_ day of \_\_\_\_\_, 2018, I electronically filed the foregoing **PLAINTIFF'S NOTICE OF WITHDRAWAL OF ALL CLAIMS FOR MENTAL DAMAGE AND ABANDONMENT OF ANY ABILITY TO SEEK COMPENSATION FOR SAME OR PRESENT EVIDENCE IN SUPPORT OF SAME** with the Clerk of Court using the CM/ECF system which will notify the following email addresses of such filing:

Thomas J. Lyons, Esq.  
Matthew J. Hegarty, Esq.  
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hegartym@hallevans.com  
**ATTORNEYS FOR DEFENDANT**

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

*s/ #* \_\_\_\_\_  
Michelle Spadavecchia, Legal Assistant