

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

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

**LAURA TYLER**, Personal Representative of the Estate of Dakota Tyler McGrath,  
  
Plaintiff,

v.

**NICK RODGERS**, Fort Collins Police Services Officer, in his individual capacity,  
  
Defendant.

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**PLAINTIFF’S UNOPPOSED MOTION TO SUBSTITUTE  
THE CITY OF FORT COLLINS AS SOLE PARTY DEFENDANT FOR  
FORT COLLINS POLICE SERVICES OFFICER NICK RODGERS**

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Plaintiff Laura Tyler, as Personal Representative of the Estate of Dakota McGrath (“Ms. Tyler”), by her undersigned attorneys, hereby submits this Unopposed Motion to Substitute the City of Fort Collins as Sole Party Defendant for Fort Collins Police Services Officer Nick Rogers,<sup>1</sup> stating in support as follows:

1.     **STATEMENT REGARDING CONFERRAL:** Undersigned counsel certifies he conferred with counsel for Defendant Fort Collins Police Services Officer Nick Rogers, who does not oppose this Motion.
2.     The Parties resolved their differences.
3.     Each party will pay its own attorney fees and costs arising in relation to the parties to be determined here.

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<sup>1</sup> Incorrectly identified in the Complaint as “Nick Rodgers.”

4. Ms. Tyler requests that the Court strike from all captions in this matter Defendant Fort Collins Police Services Officer Nick Rogers.

5. Ms. Tyler further requests that, pursuant to Fed.R.Civ.P. 25, the Court substitute the City of Fort Collins as the sole remaining party Defendant in this matter.

6. The Parties jointly intend this matter to be fully and finally dismissed upon the filing of the Joint Stipulated Motion to Dismiss with Prejudice, which is being filed contemporaneously with this Unopposed Motion.

Respectfully submitted this 19<sup>th</sup> day of October, 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 (CM/ECF)**

I hereby certify that, on this 18<sup>th</sup> day of October, 2018, I sent a true and correct copy of the foregoing **PLAINTIFF'S UNOPPOSED MOTION TO SUBSTITUTE THE CITY OF FORT COLLINS AS SOLE PARTY DEFENDANT FOR FORT COLLINS POLICE SERVICES OFFICER NICK ROGERS** through transmission to the following via e-mail:

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

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

*s/ Michelle Spadavecchia*  
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Legal Assistant