



DATE: December 13, 2021
TO: City Council
FROM: City Attorney's Office
SUBJECT: *Raymond Marshall v. City of Colorado Springs, et al.*,
Case No. 21-cv-01971-RM-STV

This memorandum is to apprise you of the facts alleged in the above-referenced case as you consider the claims made against the involved individuals.

NATURE OF THE CASE

Plaintiff, Raymond Marshall, filed an action in the District Court for the District of Colorado against Michael Anderson, Margret Radford, Jan Martin, Scott Hente and Larry Small asserting a claim for conspiracy to violate his civil rights, and a claim against the City of Colorado Springs ("City") for unlawful policies and customs. Plaintiff also asserted other claims against an investigator with the District Attorney's Office.

Plaintiff alleges that the City, through City Council, conspired with the District Attorney's Office to withhold 13 closed executive session recordings. The recordings, created between 2007 and 2010, are alleged to have captured City Council's discussions regarding the redevelopment of the United States Olympic Committee headquarters. The amended complaint alleges that a copy of the recordings was provided to the District Attorney's Office in 2011. In 2019, the court presiding over Plaintiff's criminal prosecution issued an order releasing the recordings to Plaintiff's attorneys. The criminal charges against Plaintiff were dismissed in 2020.

Plaintiff seeks compensatory damages, economic damages, punitive damages, and pre- and post-judgment interest, costs and fees.

RECOMMENDATION

City Council should authorize City representation for Michael Anderson, Margret Radford, Jan Martin, Scott Hente and Larry Small as required by the Colorado Governmental Immunity Act. The individuals named in the lawsuit were acting in the course and scope of their duties, and in good faith during the incident. As usual, City Council should reserve the right not to pay any award of punitive damages.