

DISTRICT COURT, LARIMER COUNTY, COLORADO Address: 201 La Porte Avenue, Suite 100 Fort Collins, Colorado 80521 Phone: 970.494.3500	DATE FILED: February 13, 2014 9:10 AM FILING ID: 4FECA29E71CC0 CASE NUMBER: 2013CV31385
PLAINTIFF: COLORADO OIL & GAS ASSOCIATION v. DEFENDANT: CITY OF FORT COLLINS, COLORADO	<p style="text-align: center;">▲ COURT USE ONLY ▲</p>
<i>Attorneys for Defendant-Intervenors</i> Names: Elizabeth Kutch (Student Attorney) Timothy O'Leary (Student Attorney) Gina Tincher (Student Attorney) Kevin Lynch (Professor and Supervising Attorney; CO Bar No. 39873) Address: Environmental Law Clinic University of Denver Sturm College of Law 2255 E. Evans Ave Denver, CO 80218 Phone: 303.871.7870 Fax: 303.871.6847 E-mail: elc@law.du.edu	Case Number: 2013CV31385 Div.: Civ Courtroom: 5B
AFFIDAVIT OF ELIZABETH GIDDENS IN SUPPORT OF MOTION TO INTERVENE AS A DEFENDANT	

1. My name is Elizabeth "Kelly" Giddens. I am of legal age and competent to give this affidavit. The facts and opinions set forth in this declaration are based on my personal knowledge, education, and experience. If called as a witness in these proceedings, I could and would testify competently to these facts and opinions.

2. I currently reside at 3100 Three Silos Dr. Wellington, Colorado 80549.

3. I am a member of, and volunteer for the Sierra Club and Citizens for a Healthy Fort Collins. In fact, I founded Citizens for a Health Fort Collins.

4. I actively participated in the passage of Measure 2A. I was the campaign organizer for Measure 2A, and I coordinated every aspect of getting this measure on the ballot. I coordinated with an attorney to set up the non-profit, submitted the required paperwork to get the petition on the ballot, coordinated the design, printing and submission of the petition, and recruited, organized and trained volunteers.

5. I communicated with other citizen leaders for partnerships and endorsements. I ran the fundraising portion of the organization. I utilized social media such as Facebook and Twitter to communicate information to our members and the public regarding our mission and activities. In addition to organizing the campaign, I also helped circulate petitions to inform the public of our cause.

6. I devoted my time and energy to support Measure 2A because I believe that people deserve to be protected from the effects of hydraulic fracturing. There is no scientific evidence that says fracking is safe. With the precautionary principle in mind, I supported the ordinance because public health, safety, and property values are at stake. Further, fracking inside of densely populated areas without scientific consensus that it is safe is tantamount to human testing, which I believe to be unethical without disclosure and consent.

7. I am aware of several studies being conducted by The National Science Foundation, the Environmental Protection Agency, and the Colorado Department of Public Health and Environment on the effects of fracking. Additionally, I understand that the results of these studies are anticipated to be released sometime between 2016 and 2019. This is why we made the moratorium period 5 years, so that the results of these (and other) studies could be examined before allowing fracking to continue in Fort Collins.

8. I live in Wellington, a town near Fort Collins. My home is about two miles from a proposed drill site. Even though I am two miles away, I have experienced various effects on my health as a result of the pollution from fracking. One evening, I was overcome by the odor of hydrogen sulfide when I left my southern facing windows open. I thought I was going to pass out. It took me at least an hour to get up and steady on my feet following this experience.

9. If the ban is overturned, and they begin fracking, I do not think that I could live here without constant worry. I will suffer from constant anxiety worrying about my children's health if they resume fracking before the results of the scientific studies are examined.

10. Although I do not live in Fort Collins, I must drive through Fort Collins every day, twice a day, because my three children attend school in Fort Collins. My children spend most of their waking hours in Fort Collins, breathing Fort Collins's air. If Measure 2A is overturned and fracking resumes, I fear that the chemicals used in fracking and the additional ground level ozone increases from this process will increase our risk of developing cancer, cardiovascular issues, endocrine issues, and other diseases. One of my daughters suffers from asthma, and it will be more difficult for her to breathe with increases in ground level ozone.

11. Currently, I enjoy hiking, biking, walking, and playing in the park with my children. I plan to continue these activities, but if fracking resumes, I will have to stop partaking in these

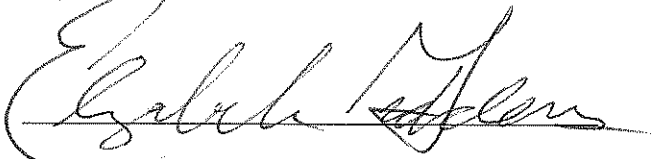
activities in and around Fort Collins. I will have to switch my kids to activities that they can enjoy indoors where they can breathe filtered air.

12. I am aware that cancer rates increase for residents who live near fracking wells. See Lisa McKenzie Et. Al., *Human Health Risk Assessment of Air Emissions From Development of Unconventional Natural Gas Resources*, Science of the Total Environment (2012), available at <http://cogcc.state.co.us/library/setbackstakeholdergroup/Presentations/Health%20Risk%20Assessment%20of%20Air%20Emissions%20From%20Unconventional%20Natural%20Gas%20-%20HMcKenzie2012.pdf>.

13. If the Court overturns Measure 2A, I will be very upset that the will of the voters to protect public health, safety, and property values has been ignored.

14. I have good reason to believe that the City may not adequately represent my interests. The Fort Collins City Council voted to lift the original council-passed ban on fracking while negotiating a MOU with Prospect Energy. This agreement allowed Prospect Energy to be exempt from the ban that the citizens wanted.

15. Additionally, after we gathered enough signatures to put the moratorium on the ballot, the city council voted to oppose Ballot Measure 2A. Many members of the council actively campaigned against Measure 2A. It is my belief that, while the Fort Collins City Council is obligated to defend the city in this lawsuit, the City might not be compelled to provide an aggressive defense.



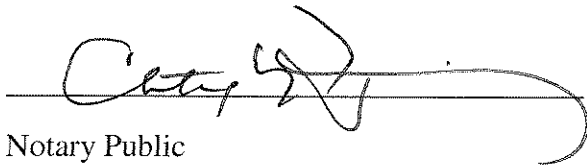
Elizabeth Giddens

2-10-2014

Date

SUBSCRIBED AND SWORN before me on this 10 day of February 2014,

by Elizabeth Giddens



Notary Public



My Commission Expires: 4-29-2015