

DISTRICT COURT, LARIMER COUNTY, COLORADO

201 La Porte Avenue, Suite 100
Fort Collins, CO 80521
Phone: (970) 494-3500

Plaintiff:

COLORADO OIL AND GAS ASSOCIATION,

v.

Defendant:

CITY OF FORT COLLINS, COLORADO

Attorneys:

SULLIVAN GREEN SEAVY, LLC
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Division/Courtroom: 5B

**DEFENDANT CITY OF FORT COLLINS' NOTICE TO ELECT EXCLUSION FROM
C.R.C.P. 16.1 SIMPLIFIED PROCEDURE**

Defendant City of Fort Collins, Colorado, (the "City") by and through its undersigned attorneys, Sullivan Green Seavy LLC, submits its Notice to Elect Exclusion from C.R.C.P. 16.1 Simplified Procedure and states as follows:

1. The City understands that Simplified Procedure under C.R.C.P. 16.1 is intended to be a less expensive and faster method of handling civil cases and applies where the amount sought against each party is \$100,000.00 or less, *see* C.R.C.P. 16.1(c), and the Rule requires early and full disclosure of the information that each party has about the dispute and addresses what evidence will be introduced at trial. However, the City does not believe proceeding under Rule 16.1 is appropriate for this case for reasons including but not limited to the facts that (1) the case involves claims for declaratory judgment regarding an ordinance of the City and does not involve claims for monetary damages, (2) the case involves significant questions of public policy that may require discovery not available under Rule 16.1, and (3) the City believes that Rule 16.1 is not appropriate for this case due to the pending Motion to Intervene.

2. The City's attorneys have conferred with Plaintiff's attorneys on this matter and the City understands that Plaintiff also intends to file a similar Notice.

3. The City and its attorneys sign this Notice and hereby elect to exclude this case from the Simplified Procedure under C.R.C.P. 16.1. This election is being filed with the Court no later than the time provided by C.R.C.P. 16.1(d).

4. IT IS UNDERSTOOD THAT ONCE THIS NOTICE OF EXCLUSION IS FILED WITH THE COURT, THE PROCEDURES OF C.R.C.P. 16, CASE MANAGEMENT AND TRIAL MANAGEMENT WILL APPLY TO THIS CASE.

Dated this 11th day of March, 2014.

SULLIVAN GREEN SEAVY LLC

By: /s/ Original signature on file
Barbara J. B. Green, No. 15022
John T. Sullivan, No. 17069

CITY OF FORT COLLINS

By: /s/ Original signature on file
Stephen J. Roy, No. 0893, City Attorney

ATTORNEYS FOR DEFENDANT CITY
OF FORT COLLINS

CERTIFICATE OF SERVICE

I do hereby certify that on this 11th day of March, a true and correct copy of the foregoing **NOTICE** was served electronically via ICCES to the following persons:

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/s/ John T. Sullivan