

| | |
|--|---|
| <p>COLORADO COURT OF APPEALS 2 East 14th Ave., Denver, CO 80203</p> | <p style="text-align: center;">▲ COURT USE ONLY ▲</p> |
| <p>District Court Larimer County, Colorado Case Number: 2013CV63 The Honorable Gregory M. Lammons</p> | |
| <p>Defendant/Appellant: City of Fort Collins, Colorado v. Plaintiff/Appellee: Colorado Oil & Gas Association</p> | |
| <p>Attorneys for National Association of Royalty Owners – Colorado Chapter: LINDQUIST & VENNUM LLP Thomas W. Niebrugge, #8418 600 17th St., Suite 1800 South Denver, Colorado 80202 Phone: 303.573.5900 Email: tniebrugge@lindquist.com</p> | <p>Case No.: 2014CA1991</p> |
| <p>MOTION FOR LEAVE TO FILE <i>AMICUS CURIAE</i> BRIEF OF NATIONAL ASSOCIATION OF ROYALTY OWNERS – COLORADO CHAPTER IN SUPPORT OF APPELLEE COLORADO OIL AND GAS ASSOCIATION</p> | |

Pursuant to Rule 29 of the Colorado Appellate Rules, the National Association of Royalty Owners – Colorado Chapter (“NARO”), through its undersigned counsel, respectfully requests leave to submit the attached, conditionally filed, *Amicus Curiae* brief, and as grounds therefore state as follows:

INTEREST OF THE *AMICUS CURIAE*

NARO is one of the independent chapters of the National Association of Royalty Owners. The mission of NARO is to encourage and promote the exploration and production of minerals in Colorado while preserving, protecting, advancing, and representing the interests and rights of mineral and royalty owners through education, advocacy, and assistance to its members, to government bodies, and to the public.

NARO represents the interests of oil and gas royalty owners in Colorado, and its members include farmers, ranchers, family trusts, widows, charitable organizations, churches, hospitals, and universities. The average NARO (national) member is over 60-years-old and receives less than \$500 per month of royalty income as a supplement to their social security.

Given that oil and gas production in Colorado is primarily sourced from private lands and that royalties from oil and gas drilling constitute essential income to private landowners who have assigned their rights to drill and produce to an oil and gas operator, the City of Fort Collins' five-year moratorium directly affects NARO's members.

DESIRABILITY OF *AMICUS CURIAE* BRIEF

The *Amicus Curiae* seeks leave to file a brief in support of Plaintiff/Appellee Colorado Oil and Gas Association in order to address the importance of oil and gas development and production to royalty owners. Further, as set forth in the brief filed conditionally herewith, the oil and gas industry brings investment to rural areas where high-wage jobs and industry are scarce, and long-term hydraulic fracturing bans such as the one in Fort Collins will severely disrupt the livelihood of individuals living in, and the economies of, those areas. Accordingly, NARO submits that its experience and knowledge will assist the Court in this case.

WHEREFORE, the National Association of Royalty Owners – Colorado Chapter requests that this Court grant its motion for leave to file a brief as *amicus curiae* in support of Plaintiff/Appellee Colorado Oil and Gas Association.

Dated this 13th day of March, 2015

LINDQUIST & VENNUM LLP

By: *s/Thomas Niebrugge*
Thomas W. Niebrugge, #8418

*ATTORNEYS FOR AMICUS CURIAE
NATIONAL ASSOCIATION OF ROYALTY
OWNERS – COLORADO CHAPTER*

CERTIFICATE OF SERVICE

I certify that on March 13, 2015, I electronically filed a true and correct copy of the foregoing **MOTION FOR LEAVE TO FILE *AMICUS CURIAE* BRIEF OF NATIONAL ASSOCIATION OF ROYALTY OWNERS – COLORADO CHAPTER IN SUPPORT OF APPELLEE COLORADO OIL AND GAS ASSOCIATION** with the Clerk of Court via the Colorado ICCES program which will send notification of such filing and service upon the following counsel of record:

Barbara J.B. Green
John T. Sullivan
Sullivan Green Seavy, LLC
3223 Arapaho Avenue, #300
Boulder, CO 80303

John R. Duval
Fort Collins City Attorney's Office
300 La Porte Avenue
P. O. Box 580
Fort Collins, CO 80522-0580

Mark Mathews
Wayne Forman
Michael Hoke
Justin Cohen
Brownstein Hyatt Farber Schreck, LLP
410 Seventeenth Street, Ste 2200
Denver, CO 80202

/s/ Lorri K. Parker

Lorri K. Parker