

COLORADO COURT OF APPEALS 2 East 14 <sup>th</sup> Ave., Denver, CO 80203	<p style="text-align: center;"><b>▲ COURT USE ONLY ▲</b></p>
District Court Larimer County, Colorado Case Number: 2013CV31385 The Honorable Gregory M. Lammons	
<b>Defendant/Appellant:</b>  City of Fort Collins, Colorado  v.  <b>Plaintiff/Appellee:</b>  Colorado Oil & Gas Association	
<b>Attorneys for</b> Colorado Concern, Denver Metro Chamber of Commerce, Colorado Competitive Council, Colorado Motor Carriers Association, and Colorado Farm Bureau:  BROWNSTEIN HYATT FARBER SCHRECK, LLP Jason R. Dunn, #33011 410 Seventeenth Street, Suite 2200 Denver, CO 80202-4432 Phone: 303.223.1100 Emails: jdunn@bhfs.com	Case No.: 2014CA1991
<p style="text-align: center;"><b>MOTION FOR LEAVE TO FILE <i>AMICI CURIAE</i> BRIEF OF          COLORADO CONCERN, ET AL. IN SUPPORT OF          APPELLEE COLORADO OIL AND GAS ASSOCIATION</b></p>	

Pursuant to Rule 29 of the Colorado Appellate Rules, the parties listed below, through their undersigned counsel, respectfully request

leave to submit the attached, conditionally filed, *Amici Curiae* brief, and as grounds therefore state as follows:

### **PARTIES SEEKING LEAVE**

The following five organizations (collectively, the “*Amici Curiae*”) seek leave to participate as *amici curiae*:

- (i) **Colorado Concern** is an alliance of top executives with a common interest in enhancing and protecting Colorado’s business climate. Founded in 1986 by a dozen committed business leaders, membership now includes more than 120 CEOs from for-profit, non-profit, civic and higher education organizations across Colorado.
- (ii) **Colorado Competitive Council** is a leading business voice for dozens of companies and trade associations, organized for the purpose of directly advocating for sound business policies in Colorado that encourage growth of key industry clusters and attract high-quality jobs to Colorado.
- (iii) **Denver Metro Chamber of Commerce** is a leading voice for over 3,000 Denver-area businesses and their 300,000 employees, providing advocacy for nearly 150 years at the federal, state and local levels and helping shape Colorado’s economic and public policy landscape.
- (iv) **Colorado Motor Carriers Association** represents over 650 companies and over 60,000 employees that are directly involved or affiliated with trucking within Colorado. CMCA supports the interests of these trucking-related companies on a state, national, and local basis.
- (v) **Colorado Farm Bureau** is a 25,000 member organization dedicated to helping family farmers and ranchers stay on

their land and continue to produce food for Colorado, the nation, and the world. CFB provides its members with continuous representation at the local, state and federal level to improve Colorado's economy, natural resources, environment, and social institutions.

### **INTEREST OF THE *AMICI CURIAE***

Pursuant to C.A.R. 29, the *Amici Curiae* seek leave to file a brief in support of the Plaintiff/Appellee regarding the test of local preemption as described in the Appellant/Defendant Opening Brief, as well as to advise the court on the critical nature of the oil and gas industry to Colorado's economy and the applicability of that impact on the preemption analysis applicable in this case.

The *Amici Curiae* are Colorado organizations representing a wide array of business, trade, and non-profit associations, as well as chambers of commerce, community organizations, and family farms. Each is committed to advancing sound public policy and a strong economy at the state and local level in Colorado. Individually and collectively, they dedicate significant financial and human resources toward developing state law and policy that ensures a favorable

economic climate for not only their individual members and their employees, but for the state as a whole.

Having closely followed this case, as well as other similar cases pending in other Colorado courts, the *Amici Curiae* are gravely concerned about the economic uncertainty and ultimate impact to our state economy that will result if the City of Fort Collins' ban on hydraulic fracturing is allowed to stand.

**DESIRABILITY OF *AMICI CURIAE* BRIEF**

Given the *Amici Curiae*'s extensive leadership and experience developing economic and education policy in Colorado, and the tens of thousands of workers represented by these parties, the Court will likely benefit from the *Amici Curiae*'s participation in this proceeding.

Dated this 13th day of March, 2015

BROWNSTEIN HYATT FARBER SCHRECK, LLP

By: s/ Jason R. Dunn  
Jason R. Dunn, #33011

ATTORNEYS FOR *AMICI CURIE*  
*COLORADO CONCERN, ET AL.*

**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 COLORADO CONCERN, ET AL. 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:

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