

DISTRICT COURT, LARIMER COUNTY, COLORADO 201 La Porte Avenue, Suite 100 Fort Collins, Colorado 80521	
Plaintiff: COLORADO OIL & GAS ASSOCIATION v. Defendant: CITY OF FORT COLLINS, COLORADO	▲ COURT USE ONLY ▲
Attorneys for Plaintiff Colorado Oil & Gas Association: Name(s): Mark J. Mathews, #23749 John V. McDermott, #11854 Wayne F. Forman, #14082 Michal D. Hoke, #41034 Address: BROWNSTEIN HYATT FARBER SCHRECK, LLP 410 Seventeenth Street, Suite 2200 Denver, Colorado 80202-4437 Phone: 303.223.1100 FAX : 303.223.1111 E-mail: mmathews@bhfs.com; jmcdermott@bhfs.com wforman@bhfs.com; mhoke@bhfs.com	Case Number: 2013CV31385 Div.: 5B
UNOPPOSED MOTION TO DISMISS SECOND CLAIM AGAINST THE CITY OF FORT COLLINS, COLORADO WITHOUT PREJUDICE AND FOR ENTRY OF FINAL JUDGMENT	

Plaintiff Colorado Oil & Gas Association (“COGA”) moves to dismiss its second claim for relief, Compl. at 7 (“Permanent Injunction Enjoining Ballot Measure 2A”), without prejudice and for entry of final judgment.

Certification pursuant to C.R.C.P. 121, §1-15(8): Counsel for COGA conferred with counsel for Defendant City of Fort Collins, who stated that the City does not oppose this motion.

The Court granted Summary Judgment for COGA and against the City on COGA’s first claim for relief on August 7, 2014, leaving the second claim for relief the only outstanding claim against the City. COGA now desires to withdraw its remaining claim so that final judgment may

be entered as to its first claim. COGA therefore requests that this Court dismiss COGA's second claim for relief without prejudice and enter final judgment as to COGA's first claim.

Respectfully submitted this 12th day of September, 2014.

BROWNSTEIN HYATT FARBER SCHRECK, LLP

By: s/ Mark J. Mathews

Mark J. Mathews, # 23749

John V. McDermott, #11854

Wayne F. Forman, #14082

Michael D. Hoke, #41034

ATTORNEYS FOR PLAINTIFF

COLORADO OIL AND GAS ASSOCIATION

CERTIFICATE OF SERVICE

I hereby certify that on this 12th day of September, 2014, I electronically filed a true and correct copy of the foregoing **UNOPPOSED MOTION TO DISMISS SECOND CLAIM AGAINST THE CITY OF FORT COLLINS, COLORADO WITHOUT PREJUDICE AND FOR ENTRY OF FINAL JUDGMENT** via the ICCES electronic filing system which will send notification of such filing to the following:

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