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| <p>DISTRICT COURT, LARIMER COUNTY, COLORADO<br/>201 La Porte Ave., Suite 100<br/>Fort Collins, CO 80521</p> <hr/> <p><b>Plaintiff: VIRGINIA FARVER,</b></p> <p><b>v.</b></p> <p><b>Defendants: CITY OF FORT COLLINS, FORT COLLINS CITY COUNCIL, DARIN ATTEBERRY, FORT COLLINS UTILITIES, FORT COLLINS UTILITIES MANAGEMENT and STAFF, DENNIS SUMNER, STEVE CATANACH; and DOES 1-100.</b></p>  | <p>DATE FILED: August 2, 2016 10:19 AM<br/>FILING ID: C0AB355DFF93C<br/>CASE NUMBER: 2016CV144</p> <p>COURT USE ONLY</p> |
| <p>Kimberly B. Schutt, #25947<br/>WICK &amp; TRAUTWEIN, LLC<br/>323 South College Avenue, Suite 3<br/>P.O. Box 2166, Fort Collins, CO 80522<br/>Phone Number: (970) 482-4011<br/>E-mail: <a href="mailto:kschutt@wicklaw.com">kschutt@wicklaw.com</a><br/>FAX Number: (970) 482-8929</p> <p>John R. Duval, #10185<br/>FORT COLLINS CITY ATTORNEY'S OFFICE<br/>P.O. Box 580<br/>Fort Collins, CO 80522<br/>Phone: (970) 221-6520<br/>Email: <a href="mailto:jduval@fcgov.com">jduval@fcgov.com</a></p> | <p>Case Number: 2016 CV 144</p> <p>Courtroom: 5B</p>   |
| <p style="text-align: center;"><b>CERTIFICATE OF COMPLIANCE and<br/>REQUEST FOR CASE MANAGEMENT CONFERENCE</b></p>  |  |

COMES NOW all of the above-named defendants ("Defendants"), by and through counsel, Kimberly B. Schutt of Wick & Trautwein, LLC, and John R. Duval of the Fort Collins City Attorney's Office, and as the responsible attorneys in this action, respectfully submit the following Certificate of Compliance pursuant to C.R.C.P. 16.1(h) and the Court's Case Management Scheduling Order dated June 22, 2016. The Defendants also request that the Court set the matter for a case management conference, to further discuss and address the issues set forth below:

1. Undersigned counsel for the defendants had a sit-down meeting with the *pro se* Plaintiff (as well as friends that she asked to participate in the meeting with her) for purposes of conferring regarding the various case management issues applicable to this case. Defense counsel hereby certify that, at that meeting, defense counsel discussed with the Plaintiff all of the issues required by C.R.C.P. 16.1(f).

2. Pursuant to those discussions, defense counsel would advise the Court as to the following case management deadlines to which the parties agreed, as well as other related issues which will need to be addressed at a case management conference to be scheduled in this case:

a) First, due to the legal issues which the Plaintiff has raised challenging the validity of the City's Advance Meter Fort Collins Project, it is highly unlikely that this case will be resolved by way of settlement. The Defendants anticipate filing a motion for summary judgment, and defense counsel discussed with the Plaintiff her opportunity to either file a cross-motion for summary judgment or to simply respond to Defendant's motion. The parties agreed that any such motions shall be filed on or before **October 1, 2016**.

b) At the time of the parties' meeting, Plaintiff's motion to amend her complaint was pending and she committed to providing defense counsel with a proposed amended complaint. Defense counsel discussed with her the need to allege tort claims for fraud, deceit and willful misrepresentation with more particularity, but Plaintiff has not yet provided a proposed amended complaint and her then-pending motion has since been denied. Defendants anticipate filing a motion to dismiss these tort claims based on her failure to state a claim upon which relief can be granted due to inadequate pleading, as well as potential defenses available under the Colorado Governmental Immunity Act, C.R.S. § 24-10-101, et seq. Alternatively, Defendants may simply raise these issues in their anticipated Motion for Summary Judgment, depending on whether Plaintiff amends her Complaint and the timing of any such amendment.

c) The parties also discussed the need to make initial Rule 26(a)(1) disclosures within 35 days of the at-issue date, or on or before July 21, 2016, pursuant to C.R.C.P. 16.1(k)(1)(A). Defense counsel provided to Plaintiff detailed disclosures of witness testimony and over 1100 documents on that date. Plaintiff provided an email "disclosure" (attached hereto as *Exhibit I*) which defense counsel do not believe complies with her obligation to provide early detailed disclosures under C.R.C.P. 16.1. Defense counsel anticipate the Court will need to address this issue at the case management conference if the parties are not able to resolve it prior to that time.

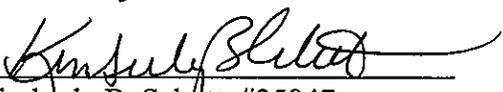
d) The parties agreed that Plaintiff's expert disclosures would be due on or before **February 1, 2017**, and that defense expert disclosures would be due on or before **February 28, 2017**. The parties selected these dates anticipating that the Court would need some time to resolve the motion(s) for summary judgment once they have been fully briefed, which would not likely occur until sometime in late November. If the Court resolves the case on summary judgment, then trial and expert disclosures would not likely be required.

e) If the case is not fully resolved on summary judgment, the parties anticipate that the case would be ready for a trial on any remaining claims/issue sometime in late March or early April of 2017.

3. At the time of their meeting, defense counsel discussed with the Plaintiff the fact that a case management conference would likely be needed, particularly since she is not represented by counsel. The parties anticipating scheduling that conference for some time in the last two weeks of August. A setting for that conference is noticed to take place this coming Thursday, August 4, 2016.

RESPECTFULLY SUBMITTED this 2nd day of August, 2016.

WICK & TRAUTWEIN, LLC

By:   
Kimberly B. Schutt, #25947  
Attorneys for Defendant

And

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**CERTIFICATE OF ELECTRONIC FILING**

The undersigned hereby certifies that a true and correct copy of the foregoing **CERTIFICATE OF COMPLIANCE AND REQUEST FOR CASE MANAGEMENT CONFERENCE** was filed via Integrated Colorado Courts E-Filing System (ICCES) and served this 2nd day of August, 2016, on the following:

Sent via email to [vrfarv@hotmail.com](mailto:vrfarv@hotmail.com) and sent by U.S. Mail to:

Virginia L. Farver  
1214 Belleview Drive  
Fort Collins, CO 80526  
*Pro se Plaintiff*

A handwritten signature in black ink, appearing to read "Virginia L. Farver", written over a horizontal line.