

<p>DISTRICT COURT, LARIMER COUNTY, COLORADO 201 La Porte Ave., Suite 100 Fort Collins, CO 80521</p> <hr/> <p>Plaintiff: VIRGINIA FARVER,</p> <p>v.</p> <p>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.</p>	<p>DATE FILED: September 2, 2016 1:44 PM FILING ID: 236D74A35D9EA CASE NUMBER: 2016CV144</p> <p>COURT USE ONLY</p>
<p>Kimberly B. Schutt, #25947 WICK & TRAUTWEIN, LLC 323 South College Avenue, Suite 3 P.O. Box 2166, Fort Collins, CO 80522 Phone Number: (970) 482-4011 E-mail: kschutt@wicklaw.com FAX Number: (970) 482-8929</p> <p>John R. Duval, #10185 FORT COLLINS CITY ATTORNEY'S OFFICE P.O. Box 580 Fort Collins, CO 80522 Phone: (970) 221-6520 Email: jduval@fcgov.com</p>	<p>Case Number: 2016 CV 144</p> <p>Courtroom: 5B</p>
<p style="text-align: center;">STATUS REPORT</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 status report to the Court:

1. The parties appeared before the Court for a case management conference on August 24, 2016. At the conference, undersigned counsel represented to the Court that they would have no objection to the Plaintiff filing the amended complaint that she showed to them prior to the conference that morning. The Court thus ordered the Plaintiff to file her amended complaint with the Court no later than August 26, 2016.

2. According to the electronic case filings, the Plaintiff filed an amended complaint with the Court later that day on August 24, 2016. She also provided copies of the Amended

Complaint to counsel via email, indicating she would provide copies of exhibits to the Complaint at a later date.

3. Without conferring with counsel for the City prior to doing so, the Plaintiff then apparently filed another Amended Complaint on August 29, 2016, and the Court records reflect that the exhibits to the Amended Complaint were filed the next day on August 30, 2016. Plaintiff then contacted undersigned counsel by email on August 30th, after these items had already been submitted to the Court, to “confer” regarding these filings. It was only then that defense counsel became aware of these subsequent filings.

4. The most recent Amended Complaint appears to eliminate the Plaintiff’s claims against the individually named defendants, and also eliminates her tort claims of negligence, fraud, willful misrepresentation and deceit. It instead adds other claims relating to her arguments that the City’s Advanced Meter Fort Collins Project was not legally adopted and implemented.

5. The parties have agreed that the City will not object to the subsequent late filing of another Amended Complaint and set of exhibits, with the understanding that the City has until September 13, 2016 (14 days from the date of the last filing on August 30th) to file its responsive pleading. Further, Plaintiff has agreed that she will not oppose an enlargement of that deadline if the City needs additional time to respond to her voluminous Amended Complaint.

6. Accordingly, the City will proceed with preparing its responsive pleading to the most recent Amended Complaint, and will either file it on or before September 13, 2016 or will fill an unopposed motion for a reasonable enlargement of the deadline prior to that date.

RESPECTFULLY SUBMITTED this 2nd day of September, 2016.

WICK & TRAUTWEIN, LLC

This document was served electronically pursuant to C.R.C.P. 121 §1-26. The original pleading signed by Kimberly B. Schutt is on file at the offices of Wick & Trautwein, LLC

By: s/Kimberly B. Schutt
Kimberly B. Schutt, #25947
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And

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CERTIFICATE OF ELECTRONIC FILING

The undersigned hereby certifies that a true and correct copy of the foregoing STATUS REPORT was filed via Integrated Colorado Courts E-Filing System (ICCES) and served this 2nd day of September, 2016, on the following:

Sent via email to yrfarv@hotmail.com and sent by U.S. Mail to:

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

/s/ Jody L. Minch

*[The original certificate of electronic filing signed by Jody L. Minch
is on file with the law offices of Wick & Trautwein, LLC.]*