

<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 ELECTRIC UTILITY; and DOES 1-100.</p>	<p>DATE FILED: September 29, 2016 11:17 AM FILING ID: C63C51AC69625 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;">DEFENDANTS' RESPONSE TO PLAINTIFF'S MOTION FOR LEAVE TO AMEND COMPLAINT</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 respectfully submit the following response to Plaintiff's most recent motion for leave to amend her Complaint filed on September 16, 2016:

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 parties agreed that the Defendants would not object to the subsequent filing of another Amended Complaint and set of exhibits, with the understanding that the Defendants would have until September 13, 2016 to file their responsive pleading to those submissions. Undersigned counsel, as the responsible attorneys, filed a status report advising of the Court of this agreement. The Defendants then timely filed their Answer to that First Amended Complaint on September 13, 2016.

5. After the Defendants filed their Answer, the Plaintiff then filed yet another motion to amend her Complaint and submitted another First Amended Complaint on September 16, 2016. The Plaintiff’s motion asks the Court to accept the First Amended Complaint filed on August 29th and represents in her motion that she has not changed the substance of her voluminous complaint (this representation appears to be true based on counsel’s review of the two pleadings). However, the Plaintiff indicates she has submitted with it a corrected list of exhibits to replace the one previously attached as page 45 of the First Amended Complaint submitted to the Court on August 29th.

6. Based upon the understanding that the Plaintiff has simply modified the list of exhibits in the First Amended Complaint to which the Defendants already responded, the Defendants do not object to the Court accepting this latest version of the First Amended Complaint filed September 16, 2016. However, the City would prefer to avoid further confusion caused by the Plaintiff’s repeated filings, and thus would respectfully request the Court to simply order that the City’s Answer filed on September 13, 2016 stands as the responsive pleading to this latest submission by the Plaintiff. The Defendants would leave it up to the Court’s discretion to impose any further instructions it may deem necessary with regard to any further filings by the Plaintiff.

RESPECTFULLY SUBMITTED this 29th 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
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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 DEFENDANTS' RESPONSE TO PLAINTIFF'S MOTION FOR LEAVE TO AMEND COMPLAINT was filed via Integrated Colorado Courts E-Filing System (ICCES) and served this 29th day of September, 2016, on the following:

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

Virginia L. Farver
1214 Belleview Drive
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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.]