

**U.S. District Court  
District of Colorado (Denver)  
CIVIL DOCKET FOR CASE #: 1:16-cv-01308-RBJ  
Internal Use Only**

Free The Nipple – Fort Collins et al v. City of Fort Collins,  
Colorado  
Assigned to: Judge R. Brooke Jackson  
Demand: \$0  
Cause: 42:1983 Civil Rights Act

Date Filed: 05/31/2016  
Jury Demand: Both  
Nature of Suit: 440 Civil Rights: Other  
Jurisdiction: Federal Question

**Plaintiff**

**Free The Nipple – Fort Collins**  
*an unincorporated association*

represented by **Andrew Joseph McNulty**  
Killmer, Lane & Newman, LLP  
1543 Champa Street  
Suite 400  
Denver, CO 80202  
303-571-1000  
Email: [amcnulty@kln-law.com](mailto:amcnulty@kln-law.com)  
**ATTORNEY TO BE NOTICED**

**Jessica Katherine Peck**  
Peck Law Firm, LLC  
2040 eWall Street  
Suite G  
Mount Pleasant, SC 29464  
720-628-5756  
Email: [jessica@jpdenver.com](mailto:jessica@jpdenver.com)  
**ATTORNEY TO BE NOTICED**

**David Arthur Lane**  
Killmer, Lane & Newman, LLP  
1543 Champa Street  
Suite 400  
Denver, CO 80202  
303-571-1000  
Fax: 303-571-1001  
Email: [dlane@kln-law.com](mailto:dlane@kln-law.com)  
**ATTORNEY TO BE NOTICED**

**Plaintiff**

**Brittiany Hoagland**

represented by **Andrew Joseph McNulty**  
(See above for address)  
**ATTORNEY TO BE NOTICED**

**Jessica Katherine Peck**  
(See above for address)  
**ATTORNEY TO BE NOTICED**

**David Arthur Lane**  
(See above for address)  
**ATTORNEY TO BE NOTICED**

**Plaintiff**

**Samantha Six**

represented by **Andrew Joseph McNulty**  
(See above for address)  
**ATTORNEY TO BE NOTICED**

**Jessica Katherine Peck**  
(See above for address)  
**ATTORNEY TO BE NOTICED**

**David Arthur Lane**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

V.

**Defendant**

**City of Fort Collins, Colorado**

represented by **Andrew David Ringel**  
Hall &Evans, LLC–Denver  
1001 Seventeenth Street  
Suite 300  
Denver, CO 80202  
303–628–3300  
Fax: 303–293–3238  
Email: [ringela@hallevans.com](mailto:ringela@hallevans.com)  
*ATTORNEY TO BE NOTICED*

**Carrie Mineart Daggett**  
Fort Collins City Attorney's Office  
P.O. Box 580  
300 Laporte Avenue  
Fort Collins, CO 80522–0580  
970–416–2463  
Fax: 970–221–6327  
Email: [cdaggett@fcgov.com](mailto:cdaggett@fcgov.com)  
*ATTORNEY TO BE NOTICED*

**Christina Shavon Gunn**  
Hall &Evans, LLC–Denver  
1001 Seventeenth Street  
Suite 300  
Denver, CO 80202  
303–628–3300  
Fax: 303–629–3368  
Email: [gunnc@hallevans.com](mailto:gunnc@hallevans.com)  
*ATTORNEY TO BE NOTICED*

**Gillian Dale**  
Hall &Evans, LLC–Denver  
1001 Seventeenth Street  
Suite 300  
Denver, CO 80202  
303–628–3328  
Fax: 303–628–3368  
Email: [daleg@hallevans.com](mailto:daleg@hallevans.com)  
*ATTORNEY TO BE NOTICED*

**John R. Duval**  
City Attorney's Office–Fort Collins  
300 Laporte Avenue  
Building A, Garden Level  
Fort Collins, CO 80521  
970–221–6520  
Email: [jduval@fcgov.com](mailto:jduval@fcgov.com)  
*ATTORNEY TO BE NOTICED*

Date Filed	#	Docket Text
05/31/2016	<u>1</u>	COMPLAINT <i>and Jury Demand</i> against City of Fort Collins, Colorado (Filing fee \$ 400,Receipt Number 1082–4998403)Attorney David Arthur Lane added to party Free The Nipple – Fort Collins(pty:pla), Attorney David Arthur Lane added to party Brittiany Hoagland(pty:pla), Attorney David Arthur Lane added to party

		Samantha Six(pty:pla), filed by Free The Nipple – Fort Collins, Samantha Six, Brittiany Hoagland. (Attachments: # <u>1</u> Civil Cover Sheet)(Lane, David) (Entered: 05/31/2016)
05/31/2016	<u>2</u>	MOTION for Preliminary Injunction by Plaintiffs Free The Nipple – Fort Collins, Brittiany Hoagland, Samantha Six. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3)(Lane, David) (Entered: 05/31/2016)
05/31/2016	3	Case assigned to Judge R. Brooke Jackson and drawn to Magistrate Judge Kristen L. Mix. Text Only Entry (sphil, ) (Entered: 05/31/2016)
05/31/2016	<u>4</u>	No Summons Issued. Magistrate Judge consent form issued pursuant to 28 U.S.C. 636(c). (sphil, ) (Entered: 05/31/2016)
05/31/2016	<u>5</u>	ORDER TO SET SCHEDULING CONFERENCE: The parties are ordered to set an initial scheduling conference in this Court (with Judge Jackson) pursuant to Fed. R. Civ. P. 16(b) and D.C.COLO.LCivR 16.1 no later than 45 days after the answer, motion to dismiss or other response to the complaint is filed. The parties are directed to jointly contact Chambers by telephone at (303) 844-4694 or by email at Jackson_Chambers@cod.uscourts.gov to obtain a scheduling conference date. Please see the order for additional details. By Judge R. Brooke Jackson on 5/31/16. (rbjsec. ) (Entered: 05/31/2016)
05/31/2016	<u>6</u>	NOTICE of Entry of Appearance by Jessica Katherine Peck on behalf of Free The Nipple – Fort Collins, Brittiany Hoagland, Samantha SixAttorney Jessica Katherine Peck added to party Free The Nipple – Fort Collins(pty:pla), Attorney Jessica Katherine Peck added to party Brittiany Hoagland(pty:pla), Attorney Jessica Katherine Peck added to party Samantha Six(pty:pla) (Peck, Jessica) (Entered: 05/31/2016)
05/31/2016	<u>7</u>	NOTICE of Entry of Appearance by Andrew Joseph McNulty on behalf of Free The Nipple – Fort Collins, Brittiany Hoagland, Samantha SixAttorney Andrew Joseph McNulty added to party Free The Nipple – Fort Collins(pty:pla), Attorney Andrew Joseph McNulty added to party Brittiany Hoagland(pty:pla), Attorney Andrew Joseph McNulty added to party Samantha Six(pty:pla) (McNulty, Andrew) (Entered: 05/31/2016)
06/01/2016	8	ADVISORY NOTICE OF NONCOMPLIANCE WITH COURT RULES/PROCEDURES: re: <u>6</u> Notice of Entry of Appearance, : <b>DO NOT REFILE THE DOCUMENT. Action to take</b> – counsel must submit a change of contact request through the Attorney Services Portal Account pursuant to D.C.COLO.LAttyR 5(c) and 3.5 of the Electronic Case Filing Procedures (Civil Cases). (Text Only Entry) (athom, ) (Entered: 06/01/2016)
06/08/2016	<u>9</u>	SUMMONS REQUEST as to City of Fort Collins, Colorado re <u>1</u> Complaint, by Plaintiffs Free The Nipple – Fort Collins, Brittiany Hoagland, Samantha Six. (Lane, David) (Entered: 06/08/2016)
06/09/2016	<u>10</u>	SUMMONS issued by Clerk. (athom, ) (Entered: 06/09/2016)
06/30/2016	<u>11</u>	SUMMONS Returned Executed by Free The Nipple – Fort Collins, Samantha Six, Brittiany Hoagland. City of Fort Collins, Colorado served on 6/21/2016, answer due 7/12/2016. (Lane, David) (Entered: 06/30/2016)
07/08/2016	<u>12</u>	Unopposed MOTION for Extension of Time to File Answer or Otherwise Respond re <u>1</u> Complaint, <u>2</u> MOTION for Preliminary Injunction by Defendant City of Fort Collins, Colorado. (Ringel, Andrew) (Entered: 07/08/2016)
07/08/2016	<u>13</u>	NOTICE of Entry of Appearance by Gillian Dale on behalf of City of Fort Collins, ColoradoAttorney Gillian Dale added to party City of Fort Collins, Colorado(pty:dft) (Dale, Gillian) (Entered: 07/08/2016)
07/11/2016	14	ORDER granting <u>12</u> Unopposed MOTION for Extension of Time to File Answer or Otherwise Respond re 1 Complaint, 2 MOTION for Preliminary Injunction. The Defendant's answer is now due 8/2/16. By Judge R. Brooke Jackson on 7/11/16. Text Only Entry(rbjsec. ) (Entered: 07/11/2016)

08/02/2016	<u>15</u>	NOTICE of Entry of Appearance by Carrie Mineart Daggett on behalf of All Defendants Attorney Carrie Mineart Daggett added to party City of Fort Collins, Colorado(pty:dft) (Daggett, Carrie) (Entered: 08/02/2016)
08/02/2016	<u>16</u>	NOTICE of Entry of Appearance by Christina Shavon Gunn on behalf of City of Fort Collins, ColoradoAttorney Christina Shavon Gunn added to party City of Fort Collins, Colorado(pty:dft) (Gunn, Christina) (Entered: 08/02/2016)
08/02/2016	<u>17</u>	Unopposed MOTION for Leave to File Excess Pages to <i>Motion to Dismiss and Response to Motion for Preliminary Injunction in Excess of the Court's Page Limitation</i> by Defendant City of Fort Collins, Colorado. (Gunn, Christina) (Entered: 08/02/2016)
08/02/2016	<u>18</u>	MOTION to Dismiss by Defendant City of Fort Collins, Colorado. (Dale, Gillian) (Entered: 08/02/2016)
08/02/2016	<u>19</u>	RESPONSE to <u>2</u> MOTION for Preliminary Injunction filed by Defendant City of Fort Collins, Colorado. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F)(Gunn, Christina) (Entered: 08/02/2016)
08/03/2016	<u>20</u>	NOTICE of Entry of Appearance for <i>City of Fort Collins</i> by John R. Duval on behalf of All Defendants Attorney John R. Duval added to party City of Fort Collins, Colorado(pty:dft) (Duval, John) (Entered: 08/03/2016)
08/04/2016	21	ORDER granting <u>17</u> Unopposed MOTION for Leave to File Excess Pages to Motion to Dismiss and Response to Motion for Preliminary Injunction in Excess of the Court's Page Limitation. However, in the future, in this case and others, please ask permission before you file an excessively long brief. And, please know that a shorter brief will be more persuasive to this Court and will get more attention from this Court. By Judge R. Brooke Jackson on 8/4/16. Text Only Entry(rbjsec. ) (Entered: 08/04/2016)
08/11/2016	<u>22</u>	Joint MOTION for Hearing/Conference / <i>Status Conference Regarding Preliminary Injunction Hearing</i> by Defendant City of Fort Collins, Colorado. (Gunn, Christina) (Entered: 08/11/2016)
08/11/2016	23	ORDER granting <u>22</u> Joint MOTION for Hearing/Conference /Status Conference Regarding Preliminary Injunction Hearing. The Court requests that counsel jointly contact Chambers at (303) 844-4694 or Jackson_chambers@cod.uscourts.gov to schedule a status conference. By Judge R. Brooke Jackson on 8/11/16. Text Only Entry(rbjsec. ) (Entered: 08/11/2016)
08/16/2016	24	MINUTE ORDER re: <u>2</u> MOTION for Preliminary Injunction. Telephonic Status Conference is scheduled for August 22, 2016 at 8:30 a.m. The Court requests that counsel coordinate a conference call and then contact the Court at (303) 844-4694 in Courtroom A 902 before Judge R. Brooke Jackson. A Hearing on the Motion for Preliminary Injunction is set for December 19, 2016 at 1:30 p.m. in Courtroom A 902 before Judge R. Brooke Jackson. By Judge R. Brooke Jackson on 8/16/16. Text Only Entry (rbjsec. ) (Entered: 08/16/2016)
08/17/2016	<u>25</u>	MOTION for Extension of Time to File Response/Reply as to <u>18</u> MOTION to Dismiss , <u>2</u> MOTION for Preliminary Injunction by Plaintiff Free The Nipple – Fort Collins. (McNulty, Andrew) (Entered: 08/17/2016)
08/18/2016	26	ORDER granting <u>25</u> MOTION for Extension of Time to File Response/Reply as to <u>18</u> MOTION to Dismiss, <u>2</u> MOTION for Preliminary Injunction. By Judge R. Brooke Jackson on 8/18/16. Text Only Entry(rbjsec. ) (Entered: 08/18/2016)
08/22/2016	<u>27</u>	COURTROOM MINUTES/MINUTE ENTRY for proceedings held before Judge R. Brooke Jackson: Status Conference held on 8/22/2016. Court Reporter: Kara Spitler. (jdyne, ) (Entered: 08/22/2016)
08/29/2016	<u>28</u>	MOTION for Leave to <i>Exceed Page Limitation Regarding Plaintiffs' Reply to Defendant's Response to Plaintiffs' Motion for Preliminary Injunction</i> by Plaintiffs Free The Nipple – Fort Collins, Brittiany Hoagland, Samantha Six. (McNulty, Andrew) (Entered: 08/29/2016)

08/30/2016	<u>29</u>	ORDER granting <u>28</u> MOTION for Leave to Exceed Page Limitation Regarding Plaintiffs' Reply to Defendant's Response to Plaintiffs' Motion for Preliminary Injunction. By Judge R. Brooke Jackson on 8/30/16. Text Only Entry(rbjsec. ) (Entered: 08/30/2016)
09/01/2016	<u>30</u>	REPLY to Response to <u>2</u> MOTION for Preliminary Injunction filed by Plaintiff Free The Nipple – Fort Collins. (McNulty, Andrew) (Entered: 09/01/2016)
09/01/2016	<u>31</u>	RESPONSE to <u>18</u> MOTION to Dismiss filed by Plaintiff Free The Nipple – Fort Collins. (McNulty, Andrew) (Entered: 09/01/2016)
09/15/2016	<u>32</u>	Unopposed MOTION for Extension of Time to File Response/Reply as to <u>18</u> MOTION to Dismiss by Defendant City of Fort Collins, Colorado. (Attachments: # <u>1</u> Proposed Order (PDF Only))(Dale, Gillian) (Entered: 09/15/2016)
09/15/2016	<u>33</u>	ORDER granting <u>32</u> Unopposed MOTION for Extension of Time to File Response/Reply as to <u>18</u> MOTION to Dismiss. The reply is now due October 3, 2016. By Judge R. Brooke Jackson on 9/15/16. Text Only Entry(rbjsec. ) (Entered: 09/15/2016)
10/03/2016	<u>34</u>	Unopposed MOTION for Leave to File Excess Pages <i>on Reply in Support of Motion to Dismiss</i> by Defendant City of Fort Collins, Colorado. (Attachments: # <u>1</u> Proposed Order (PDF Only))(Dale, Gillian) (Entered: 10/03/2016)
10/03/2016	<u>35</u>	REPLY to Response to <u>18</u> MOTION to Dismiss filed by Defendant City of Fort Collins, Colorado. (Dale, Gillian) (Entered: 10/03/2016)
10/04/2016	<u>36</u>	ORDER granting <u>34</u> Unopposed MOTION for Leave to File Excess Pages on Reply in Support of Motion to Dismiss. By Judge R. Brooke Jackson on 10/4/16. Text Only Entry(rbjsec. ) (Entered: 10/04/2016)
10/20/2016	<u>37</u>	ORDER granting in part and denying in part <u>18</u> Motion to Dismiss by Judge R. Brooke Jackson on 10/20/16.(jdyne, ) (Entered: 10/20/2016)
11/04/2016	<u>38</u>	<i>Defendant's</i> ANSWER to <u>1</u> Complaint, <i>and Jury Demand</i> by City of Fort Collins, Colorado.(Dale, Gillian) (Entered: 11/04/2016)
12/15/2016	<u>39</u>	MOTION to Quash <i>Subpoena to City Council Member Ray Martinez</i> by Defendant City of Fort Collins, Colorado. (Attachments: # <u>1</u> Exhibit 1)(Dale, Gillian) (Entered: 12/15/2016)
12/15/2016	<u>40</u>	MOTION to Quash <i>Subpoena to City Council Member Ray Martinez</i> by Defendant City of Fort Collins, Colorado. (Attachments: # <u>1</u> Exhibit 1)(Dale, Gillian) (Entered: 12/15/2016)
12/16/2016	<u>41</u>	ORDER finding as moot <u>39</u> Motion to Quash. A duplicate and finalized version of this motion was filed at ECF No. 40. By Judge R. Brooke Jackson on 12/16/16. Text Only Entry (rbjsec. ) (Entered: 12/16/2016)
12/16/2016	<u>42</u>	Exhibit List by Defendant City of Fort Collins, Colorado. (Ringel, Andrew) (Entered: 12/16/2016)
12/16/2016	<u>43</u>	Witness List by Defendant City of Fort Collins, Colorado. (Ringel, Andrew) (Entered: 12/16/2016)
12/16/2016	<u>44</u>	Exhibit List by Plaintiffs Free The Nipple – Fort Collins, Brittiany Hoagland, Samantha Six. (McNulty, Andrew) (Entered: 12/16/2016)
12/16/2016	<u>45</u>	Witness List by Plaintiffs Free The Nipple – Fort Collins, Brittiany Hoagland, Samantha Six. (McNulty, Andrew) (Entered: 12/16/2016)
12/16/2016	<u>46</u>	MINUTE ORDER : The Hearing on the Motion for Preliminary Injunction set December 19, 2016 will be heard at 9:00 a.m. rather than 1:30 p.m. in Courtroom A 902 before Judge R. Brooke Jackson. By Judge R. Brooke Jackson on 12/16/16. Text Only Entry (rbjsec. ) (Entered: 12/16/2016)
12/16/2016	<u>47</u>	BRIEF ( <i>Hearing Brief</i> ) by Defendant City of Fort Collins, Colorado. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4)(Dale, Gillian) (Entered: 12/16/2016)

12/19/2016	<u>48</u>	COURTROOM MINUTES/MINUTE ENTRY for proceedings held before Judge R. Brooke Jackson: Motion Hearing held on 12/19/2016. <u>2</u> Motion for Preliminary Injunction is TAKEN UNDER ADVISEMENT. Court Reporter: Kara Spitler. (jdyne, ) (Entered: 12/19/2016)
12/21/2016	49	ORDER finding as moot <u>40</u> MOTION to Quash Subpoena to City Council Member Ray Martinez. By Judge R. Brooke Jackson on 12/21/16. Text Only Entry (rbjsec. ) (Entered: 12/21/2016)
12/26/2016	<u>50</u>	TRIAL BRIEF <i>Response to Defendant's Hearing Brief</i> by Plaintiffs Free The Nipple – Fort Collins, Brittany Hoagland, Samantha Six. (McNulty, Andrew) (Entered: 12/26/2016)
01/06/2017	<u>51</u>	REPLY to <u>50</u> Trial Brief by Defendant City of Fort Collins, Colorado. (Ringel, Andrew) (Entered: 01/06/2017)
02/21/2017	<u>52</u>	DISREGARD FILED IN ERROR – AMENDED ORDER SETTING TRIAL AND TRIAL PREPARATION CONFERENCE: This matter has been scheduled for a six day Jury Trial on the docket of Judge R. Brooke Jackson in the U.S. District Courthouse, Courtroom A902, 9th Floor, 901 19th Street, Denver, Colorado, to commence on April 2, 2018 at 9:00 a.m. A Trial Preparation Conference is set for March 9, 2018 at 9:00 a.m. Please refer to the order for additional details. By Judge R. Brooke Jackson on 2/21/17. (rbjsec. ) Modified on 2/21/2017 to note filed in error (agarc, ). (Entered: 02/21/2017)
02/22/2017	<u>53</u>	ORDER granting <u>2</u> Motion for Preliminary Injunction by Judge R. Brooke Jackson on 2/22/17. (jdyne, ) (Entered: 02/22/2017)
03/21/2017	<u>54</u>	NOTICE OF APPEAL as to <u>53</u> Order on Motion for Preliminary Injunction by Defendant City of Fort Collins, Colorado (Filing fee \$ 505, Receipt Number 1082-5432615) (Ringel, Andrew) (Entered: 03/21/2017)