

MUNICIPAL COURT, FORT COLLINS COLORADO  
Case No.: 2017-CIVIL01

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**RULING AND ORDER RE: MOTION FOR STAY OF PROCEEDINGS**

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Plaintiffs: COLLEEN HOFFMAN, et al

v.

Defendants: THE CITY COUNCIL OF THE CITY OF FORT COLLINS, et al.

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This matter comes before the court on the Defendants' Motion for Stay of Proceedings. Having reviewed the Defendants' motion, the Plaintiffs' response and Defendants' reply, and applicable ordinances, law and case law, the Court makes the following ruling and order:

The Plaintiffs filed a summons and complaint on March 20, 2017 seeking injunctive relief and review by this court pursuant to Article VI, Section 1 of the City Charter alleging that Defendants abused their discretion with regard to the approval of the Landmark Apartments Expansion Project Development Plan.

Defendants, through counsel, have filed a motion for stay of proceedings in order for the City Council to establish rules of procedure to govern civil matters in municipal court as contemplated by the City Charter provision referenced above. Council has considered and passed on first reading an ordinance that would provide the necessary rules of procedure for civil matters in the municipal court. If adopted on second reading, the procedural rules would go into effect April 28, 2017. The rules would then apply to this case.

The Colorado Constitution prohibits enactment of laws that are "retrospective in operation". Colo. Const. art. II, sec. 11. However, as stated by the Colorado Supreme Court in *City of Golden v. Parker*, 138 P.3d 285 (Colo. 2006), a retroactive application of a law is permitted if the law is remedial or procedural. At this time, there are no procedural rules to assist parties litigating civil matters in municipal court pursuant to the City Charter. The need for such rules and procedures for this and any other civil case in municipal court is without question.

Because such rules are currently being considered by Council, it is reasonable to grant a short stay of these proceedings in order for Council to establish rules to allow this case to proceed to a review on the merits. At this very early stage in the litigation, there would be little if any prejudice to the Plaintiffs by the granting of a stay of proceedings through April 28, 2017.

THEREFORE, the Defendants' Motion for Stay of Proceedings is hereby GRANTED. This matter will be stayed up to and including April 28, 2017.

Done this 13<sup>th</sup> day of April, 2017.

BY THE COURT



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Teresa Ablao, Associate Municipal Judge

CERTIFICATE OF MAILING

I, Tammy Reuk certify that on 13<sup>th</sup> day of April, 2017, I sent the forgoing to all pro se parties and counsel of record via email and US mail to the addresses provided in the pleadings.

Colleen Hoffman  
Rick Hoffman  
Ann Hunt

Kimberly Schutt, Esq.  
Jon Duval, Esq.

Tammy