

Fort Collins Municipal Court 214 N. Mason Fort Collins, Colorado 80521 (970)221-6800	<p style="text-align: center;">RECEIVED</p> <p style="text-align: center;">MAY 30 2017</p> <p style="text-align: center;">FORT COLLINS MUNICIPAL COURT</p> <p style="text-align: center;">Court Use Only</p>
Plaintiff: Colleen Hoffman, et al., v. Defendants: City Council of the City of Fort Collins, et al.	
	Case No.: 2017CIVIL01
ORDER DENYING PLAINTIFF'S MOTION FOR ENTRY OF DEFAULT	

The Court, having reviewed the Plaintiff's motion and the Defendants' response, applicable rules of procedure and case law hereby FINDS and ORDERS as follows:

1. The Plaintiffs filed a motion for entry of default citing C.R.C.P. 55(a) asserting that the Defendants failed to timely file an answer to their complaint. Plaintiffs filed their complaint on March 20, 2017. On March 27, 2017, Defendants' counsel entered an appearance and filed a motion to stay the proceedings, which the Court granted. Thus, all proceedings in the case were on hold until April 28, 2017, when Ordinance No. 52, 2017, adopting the Colorado Rules of Civil Procedure as applicable, became effective. The Defendants' Answer was therefore due on May 12, 2017.

2. The Municipal Court is to "liberally construe, administer and apply [the Colorado Rules of Procedure] to secure a just, speedy and inexpensive determination" of civil actions. Fort Collins Municipal Code § 19-3(b). As argued by Defendants, C.R.C.P. 55 is not to be used as a technical trap, but to achieve fairness in the process. Defendants' timely motion for a stay clearly evinced their intent to defend against the civil action as opposed to abandonment. Defendants filed their Answer on May 12, 2017. As such, it was timely filed and the Plaintiff's motion is denied.

3. Plaintiffs' action is a C.R.C.P. 106(a)(4) action. This case will proceed as set forth in that rule. Plaintiffs are ORDERED to file a motion and proposed order requiring certification of the record pursuant to C.R.C.P. 106(a)(4)(III) by no later than June 5, 2017.

Dated this May 29, 2017. BY THE COURT

By: 
Teresa Ablao, Judge

CERTIFICATE OF SERVICE

I certify that on May 30, 2017, I served the above and forgoing **ORDER DENYING PLAINTIFF'S MOTION FOR ENTRY OF DEFAULT** to the following persons via electronic mail as follows:

Plaintiffs:

Collen Hoffman
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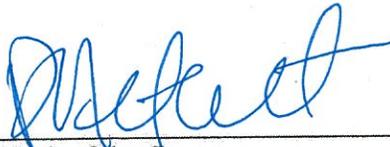
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Clerk of the Court