FORT COLLINS MUNICIPAL COURT 215 N. Mason Fort Collins, CO 80521 Phone (970) 221 6800	
Plaintiffs: Colleen Hoffman, Rick Hoffman, Ann Hunt v. **Defendant:** THE CITY COUNCIL OF THE CITY OF FORT COLLINS, the governing body of a Colorado municipal corporation; and THE ADMINISTRATION BRANCH OF THE CITY OF FORT COLLINS, by and through its City Manager, Darin Atteberry.	▲ COURT USE ONLY ▲
Parties without attorney Colleen Hoffman, pro se 1804 Wallenberg Drive Fort Collins, CO 80526 (970) 484 8723 cohoff@comcast.net Rick Hoffman, pro se 1804 Wallenberg Fort Collins, CO 80526 (970) 484 5154 rick-hoffman@comcast.net Ann Hunt, pro se 1800 Wallenberg Drive Fort Collins, CO 80526 (970) 484 5242 ARH4@COMCAST.NET	Case Number: **2017 CIVIL 01**

PLAINTIFFS' REPLY BRIEF REGARDING MOTION FOR RECONSIDERATION OF ORDER DIRECTING FILING OF MOTION

Pursuant to C.R.C.P. Rule 121 section 1-15 (1)(c), Plaintiffs, Colleen Hoffman, Rick Hoffman and Ann Hunt submit this Reply Brief following a Response and a supplement to the Response filed by the Defendants.

As *pro se* litigants in this matter, the Plaintiffs herein use the plural pronouns (we, us, our) to refer to themselves. Unless otherwise noted, all references to the Plaintiffs in this pleading where a statement of position on any matter is made or inferred indicate a jointly adopted position agreed to by all 3 individual plaintiffs.

INTRODUCTION

On June 5th, 2017, we filed our Motion for Reconsideration of the improperly made Order of this court directing us to file a Motion to have the record of the court below certified. On June 14, the Defendants filed a Response. On June 19th, the Defendants, without making Motion filed a supplement to their Response. The rationale provided by the Defendants for the irregular filing of a supplementary pleading was our objection to false and erroneous attributions of law to authority that had been cited. The email we sent to the Defendant is appended to their supplemental pleading.

To date, counsel for the Intervenor in this case has not filed a Response. After two email exchanges with the Intervenor, no mention has been made of an intent to file a Response.

SUPPLEMENT TO RESPONSE MADE WITHOUT MOTION IS IMPROPER

We now state our objection to the Defendants' filing of a supplement to their Response without first requesting leave of this court to do so or even seeking conference from us. We have conferred with the other parties to this case about having this pleading struck from the record by our motion. However, upon reflection, we now believe that the attempt by the Defendants' attorneys to cover for a fraudulent use of authority is better left in the record.

We do assert here that the filing of the supplement did start the time for our filing of this Reply brief to start anew and therefore timely file this short Reply within the 7 days allowed by Rule 121 section 1-15 (1) C.R.C.P.

REPLY TO DEFENDANTS' RESPONSE

The Defendants have forwarded two arguments for the denial of our Motion. First, the Defendants argue that neither we nor any other litigant are permitted to file a Motion for Reconsideration of an interlocutory Order of a court under the Colorado Rules of Civil Procedure. Second, the Defendants argue that the Order to file a Motion made by this court was proper because it is necessary. Both arguments must be rejected as noted below.

When filing our Motion for Reconsideration, we made note in the very first pre-introduction paragraph that our Motion was made pursuant to Rule 121 section 1-15 (11) of the C.R.C.P. We further cited the appropriate section of this rule dealing with the standard therein defined for allowing a Motion. We went on to make a showing of why that standard was met. *See* STANDARD OF REVIEW FOR MOTION TO RECONSIDER in our Motion for Reconsideration.

In response, the Defendants forwarded a fraudulent argument that such motions are not permissible:

> "First, it should be noted that a "motion to reconsider" is not authorized anywhere in the Colorado Rules of Civil Procedure, which now apply in this case. *Stone v. People* 895 P. 2d 1154 (Colo. App. 1995)" *see* Defendants' Response ¶ 3.

This erroneous statement could not possibly have been an accident. Clearly, Defendants' counsel John Duval and Kim Schutt were attempting to fluff up their argument with authority that had nothing to do with the erroneous statement being made. Nothing in the *Stone* decision dealt with interlocutory motions by the parties.

Of course, the supplemental pleading that was filed in response to our challenge on this violation of the fundamental rules of procedure provided more of the same erroneous nonsense. It is implausible to believe that any litigant, whether *pro se* or a member of the bar, could honestly misunderstand the *dicta* of the *Stone* decision. For example, the Defendants included a citation of Rule 121 section 1-15 (11) as we had done in our Motion and then purported to be introducing a new authority.

Nowhere in either of the two Responsive pleadings do the Defendants provide any argument that challenges our statement made on our best belief that a failure to reconsider the Order made by this court would result in error of law. There is no showing whatsoever that we have failed to clear the bar.

Next, the Defendants make false assertions of the absolute necessity of having a record of the court below certified. This, again, suggests that the Defendants' attorneys are making statements that can not plausibly be attributed to the honest mistakes of litigants, registered with the state or otherwise. The evidence that this court must weigh, should this case proceed to a review of the merits of our claims, could not possibly be subject to any challenge as to its authenticity. We are intending to enter the Agenda Item Summary and video of the hearing. This evidence proves beyond a doubt that the Defendant City Council abused its discretion. We do not take any exception to the citations of authority provided in the original Response regarding what constitutes an abuse of discretion as the evidence will clearly show what happened.

In contrast to the Defendants' assertions, we clearly identified those elements of Rule 106 (a) (4) that provide for certification of the record as an option made available by and for the benefit of the Plaintiff. We have simply not, for good reasons given, elected to make use of this option.

WHEREFOR, we respectfully request that this court vacate its ORDER directing us to file a Motion for Certification of the Record as issued in an Order deciding an unrelated matter on May 29th, 2017,

Respectfully submitted this 23th day of June, 2017.

Colleen Hoffman | Rick Hoffman | Ann Hunt

Colleen Hoffman | Rick Hoffman | Ann Hunt

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Address of Lead Plaintiff