

COUNTY COURT , LARIMER COUNTY, COLORADO
Court Address:
201 La Porte Avenue,
Suite 100
Fort Collins, CO 80521-2761
(970)494 3720

FILED IN COMBINED COURTS
LARIMER COUNTY, CO

2017 MAR -1 PM 3:49
DATE FILED: March 1, 2017
CASE NUMBER: 2016CV31096

POUDRE FIRE AUTHORITY

vs.
Defendant(s):

KEITH GILMARTIN

C COURT USE ONLY



Attorney or Party Without Attorney:

DEFENDANT- KEITH GILMARTIN-PRO SE
3316 W VINE DR.
FORT COLLINS, CO 80521

Phone Number: (970) 412 6906
E-mail:keithgil2@gmail.com

case Number:

16cv31069

Courtroom **3C**

**DEFENDANT'S AMENDED MOTION
TO
DISMISS FOR FAILURE TO INCLUDE INDESPENSIBLE PARTY**

1. DEFENDANT Pro Se hereby responds to Court ORDER-re FAILURE TO CONFER filed February 13, 2017 as follows:
2. C.R.C.P. 121 section 1-15(8) states "The motion shall , at the beginning, contain a certification that the movant in good faith has conferred with opposing counsel about the motion."
3. It is undisputable that such certification was not so included in the original MOTION TO DISMISS. Per leave of the court implicit in "with leave to file proper certification", Defendant includes with this RESPONSE an attached AMMENDED MOTION TO DISMISS FOR FAILURE TO INCLUDE INDESPENSIBLE PARTY with the required CERTIFICATION
4. **This DEFENDANT'S MOTION TO AMEND ... shall be incorporate with said MOTION TO DISMISS FOR FAILURE TO INCLUDE INDENSIBLE PARTY by reference and mutually MOTION**

TO DISMISS FOR FAILURE TO INCLUDE INDENSIBLE PARTY to include the below

CERTIFICATION

5. Following is the procedural requirement, in ignorance ,not supplied in the in initial presentation of the

MOTION TO DISMISS FOR FAILURE TO INCLUDE INDESPENSIBLE PARTY

C.R.C.P. 121 § 1-15 ¶ 8 CERTIFICATION

Undersigned Defendant Pro Se certifies that on February 3, 2017 he contacted Plaintiff, by email, in good, made know the intent to file A MOTION TO DISMISS FOR FAILURE TO INCLUDE AN INDESPENSIBLE PARTY. Concurrently therein, Defendant also informed Plaintiff of general availability, to his convenience. No response was received. A successful confer was made on February 22, 2017 wherein Plaintiffs expressed opposition to the MOTION TO DISMISS FOR FAILURE TO INCLUDE AN INDESPENSIBLE PARTY

RESPECTFULLY ADMITTED TO AND SUBMITTED

February 28, 2017

Keith Gilmartin

Keith Gilmartin

CERTIFICATE OF MAILING

I hereby certify that, I placed a true and correct copy of the foregoing

"DEFENDANT AMENDED MOTION TO DISMISS FOR FAILURE TO INCLUDE INDESPENSIBLE PARTY

BY both Email a copy and in the United States Mail, postage prepaid, addressed to partiex on the below llist:

MAILING ADDRESS;

IRELAND ,STAPLETON PRYOR & PASCOE, PC
717 17 St. Suite 2800
Denver, Colorado 80202

EMAIL:

kduke@irelandstapleton.com

RESPECTFULLY SUBMITTED this March 1, 2017

Keith Gilmartin

CERTIFICATE OF MAILING

I hereby certify that, I placed a true and correct copy of the foregoing

"DEFENDANT AMENDED MOTION TO DISMISS FOR FAILURE TO INCLUDE INDESPENSIBLE PARTY

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717 17 St. Suite 2800
Denver, Colorado 80202

EMAIL:

kduke@irelandstapleton.com

RESPECTFULLY SUBMITTED this March 1, 2017

A handwritten signature in cursive script that reads "Keith Gilmartin".

Keith Gilmartin