

COURT'S EXPECTATION FOR GOOD FAITH COMPLIANCE

4. Per stipulation, within the ORDER re FAILURE TO CONFER, the court provides
"the court will not consider a motion if the parties have not conferred unless there is a detailed explanation for the date, time, and circumstances of the efforts made to confer."
5. To wit the following is provided:
 - a. This Defendant, did attempt to confer.
 - b. However to offset any insufficiency in Defendant's defense afforded by submission of Plaintiff's admission in the " Item ___ February 22, 2017'below, a full array of Defendant's effort is elaborated :

DEFENDANT'S CONFER HISTORY.

2012

6. December 12/27/~~12~~- Email to City Officials and PFA and Sheriff
 - a. regarding easement entrance gates removed from easement entrance..
(DEFENDANT EXHIBIT 6)

2013

7. January 11 &14, ~~2013~~ -Email communication w/ Sheriff
 - a. Issue status update request and response
 - b. regarding easement entrance gates.
 - c. Sheriff questions ownership(DEFENDANT EXHIBIT 7)
8. January 16, ~~2013~~-Email to Larimer County Sheriff
 - a. Response to Sheriff's gate ownership inquiry issue status and Sheriff response to (DEFENDANT EXHIBIT 8)

2015

9. June 20, ~~2015~~- Email communication to City of Fort Collins 'city leaders'
 - a. (cityleaders@fcgov.com) regarding escalation encroachment issue

- b. Email included two attachment (DEFENDANT EXHIBIT 9)

2016

- 10. JUNE 28 ,2016- Response letter from PFA

Expressing endorsed opinion by EASEMENT owner CITY OF FORT COLLINS as to perceived rights and subsequent confiscation of Defendant's personal property by claim of authority.
(DEFENDANT EXHIBIT 10)

- 11. November 22, 2016 EVENT-

Summons and Complaint served on Defendant

2017

- 12. January 18,2017 Email to City Leaders regarding City/PFA IGA (PLAINTIFF EXHIBIT D)

- a. To Mayor and Council regarding t Defendant appearance before Council at regular Public Meeting
- b. City initial response (DEFENDANT EXHIBIT 11)

- 13. January 30, 2017-Two email responses from City of Fort Collins

- a. Reference proposed meeting for February 3, 2017(DEFENDANT EXHIBIT 12)

- 14. January 31, 2017 Email to City regarding meeting

- a. Defendant expressed concern for lack of representation of full COUNCIL at meeting.
(DEFENDANT EXHIBIT 13)

- 15. February 3 Email to PFA Attorney

- a. Making known a meeting with PFA officials
- b. And MOTION TO DISSMISS. . (DEFENDANT EXHIBIT 14).

- 16. February 3,2017- EVENT

- a. Meeting with City of Ft Collins officials
- b. Present was , Mayor Wade Troxell, City Manager, also PFA Board Member Darren . Atteberry, Carrie Daggett-City Attorney, and PFA Chief Tom DeMint
- c. This meeting scheduled for 45 minutes ran to approximately twice that long.

- d. The meeting was requested, by Defendant, to be with CITY COUNCIL members, specifically regarding the city policy of the need for their confirming endorsement for the an IGA. It is a usual process, apparently bypassed in the creation of the IGA, presented, as evidence, in support of the present subject COMPLAINT. However, Defendant's acquiescing to the meeting with the limited compliment of CITY CO, CITY, save the two mentioned,, seemed somewhat appropriate. The conclusion at the end of the meeting among themselves, verbally agreed to, was to continue to pursue the suit. Carrie Daggart, legal representation for the City and by IGA legal representation to PFA was also informed, interrupting an informal conference with Chief Tom DeMint, of the intent to file the subject MOTION TO DISMISS.

17. February 7, 2017 EVENT-

MOTION TO DISMISS filed with the Court

18. February 15, 2017 –Two email communications w/ Plaintiff 'to confer'

- a. Defendant email to PFA attorney reference failure to confer.
- b. Mr. Larson denies having been requested to conferred, regarding my filing of Motion to Dismiss...
- c. expressing present position of an opposition to my Motion to Dismiss..
(DEFENDANT EXHIBIT 15).

19. February 22,2017- Email from Plaintiff attorney

- a. Acknowledgement of receipt of my request to confer
- b. further, Plaintiff's basis for failure to respond. to defendant .
- c. Still further It is noted within Plaintiff's. Regardless, the court denied the motion without prejudice because the motion did not state the efforts to confer."is a minimization of his action (DEFENDANT EXHIBIT 16)

DEFENDANT CONJECTURE

20. Based on:

- a) Defendant's abject absence of the Certification, thus any lack of any reference to communication with the opposing party

b) But the Court's specificity for qualifications regarding 'to confer', exemplified by:

- I. "... include calling or speaking in person to opposing counsel"
- II. "calling.....sufficiently far in advance of filing a motion."
- III. and especially Courts "same-day attempts to confer and electronic messages generally will not suffice"
- IV. Plaintiff's minimization of the effect of actions with:

"Regardless, the court denied the motion without prejudice because the motion did not state the efforts to confer, which the rule requires. it is not an unreasonable "

interpretation that court expostulation for Defendant was related to an exparte injection of mis-information regarding Defendant's actual conferring history.

*

CONCLUSION

21. Plaintiff was in fact offered the opportunity to confer" And at their convenience.

22. Plaintiff displayed minimization his action in Item 17-Email of February 22,2017 while diminishing the impact of the actions with:

"Regardless, the court denied the motion without prejudice because the motion did not state the efforts to confer, which the rule requires.

Plaintiff could have informed the court of the issue effecting error; But did not, least wise to Defendant knowledge till the present. But did not.

23. Defendant contemplates while Court was fully justified in law for the present ORDERre FAILURE TO CONFER, the Court could have just as easily accumulated further basis and completely deny the MOTION TO DISMISS... on lack of merits. But did not.

24. Plaintiff could have with proper notification corrected its action and allow the Court 'its ' fully and accurately informed discretion for the pronouncement of the ORDER re.... and not be just limited to Defendant's legal naiveté . But such was not the case.

25. Defendant in summation prays for Courts discretion in determining the effect of the factors, r as above, regarding the issue 'to confer', in total; Defendant's part and potentially Plaintiff's. Additionally it is requested of the Court with just consideration on merits, of the pending MOTION TO DISMISS.. and also reconsideration to allow Defendant to file a RESPONSE TO MOTION FOR MORE DEFINITE STATEMENT should MOTION TO DISMISS.... be DENIED.

26. In furtherance of support for pray consideration the following is provided:

Colorado Code of Judicial Conduct-Rule 2.2 Impartiality and Fairness.

Comment (4) It is not a violation of this Rule for a judge to make Reasonable accommodations to ensure pro se litigants the opportunity to have their matters fairly heard.

With no less consideration, Defendant acknowledges Courts present exercise of thereof.

RESPECTFULLY SUBMITTED

February 28, 2017

A handwritten signature in cursive script that reads "Keith Gilmartin". The signature is written in black ink and is positioned above a horizontal line.

Keith Gilmartin