

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 COLORADO

2017 MAR 20 PM 2:33

DATE FILED: March 22, 2017
CASE NUMBER: 2016CV31096

Plaintiff:
POUDRE FIRE AUTHORITY, a Colorado public entity,
V.
Defendants:
KEITH GILMARTIN, an individual.



COURT USE ONLY

Attorney or Party Without Attorney
Name and Address:

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:

∴ 2016CV3 1096

Courtroom 3C

DEFENDANT'S C.R.C.P. 26(a)(1) INITIAL DISCLOSURES

Keith Gilmartin, Defendant Pro S, named defendant in captioned matter hereby submits the required disclosures pursuant to Cob. R. Civ. P. 26(a)(1):

INTRODUCTORY STATEMENT

The following disclosures are made based on the documents and information currently available to the Defendant as of the date hereof. The Defendant reserves the right to identify additional witnesses, documents, and tangible things relevant to the disputed issues in this litigation, based on documents or information subsequently discovered. The Defendant also reserves the right to object to the production of any documents or tangible things disclosed herein on the basis of privilege, the work product doctrine, undue burden, or any other valid objection.

The disclosure or identification of any person or document does not waive the Defendant's rights or to assert attorney-client, should such representation come to fruition, or his work-product privilege or to designate documents and/or information as confidential and subject to a protective order.

DISCLOSURES

A. POSSIBLE WITNESSES:

1. Keith Gilmartin

3316 West Vine Drive, Fort Collins, Colorado 80521.

Named as defendant in this matter, he has knowledge and information related to the defense of claims and issues in this matter.

2. Ireland Stapleton Pryor & Pascoe, PC

717 Seventeenth Street, Suite 2800, Denver, Colorado 80202,
(303) 628-2700

Any yet undetermined members of firm, instrumental in assembling and implementing the Complaint.

3. Poudre Fire Authority

c/o Kelley Duke, Ireland Stapleton Pryor & Pascoe, PC, 717 Seventeenth Street, Suite 2800, Denver, Colorado 80202, (303) 628-2700

Any Authority administration, employee, representatives, contractors, or personnel of a supplier or vendor of the Authority, including those Plaintiff named or not yet named, that are party to, or perceived to have information or knowledge related to claims and defenses of either side of the issues. And further, related to the easement, its creation, history, its use or interactions of any nature between them and Defendant

4. City of Ft Collins

Any past or present official, personnel, employee, contractors, or personnel of a supplier or vendor or of other relationship, in any capacity to or for the City of Ft Collins, including those, that are party to, or perceived to have information or knowledge related to claims and defenses of either side of the issues. And further, related to the easement, its creation, history, its use or interactions of any nature between them and Defendant. And still further the City's habit of 'questionable' callousness tactics regarding history of easements of its residents.

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5. County of Larimer, Colorado

200 W. Oak St., Fort Collins, CO 80521, (970)498-7000.

Any past or present official, personnel, employee, contractors, or personnel of a supplier or vendor or of other relationship, in any capacity to or for Larimer County Divisions or Departments or 'sub section' including but not limited to the following Departments

- a. Clerk and Recorder
- b. County Manager
- c. Office of Emergency Management
- d. Community Development Division
- e. Health and Environment Department
- f. Public Works Division
- g. Surveyor

including those, that are party to, or perceived to have information or knowledge related to claims and defenses of either side of the issues. And further, related to the easement, its creation, history, its use or interactions of any nature between them and Defendant

6. Larimer County Sheriff's Office("LSCO")

2501 Midpoint Drive, Fort Collins, CO 80525, (719) 498-5100.

Employees and/or representatives of the LSCO, , including those, that are party to, or perceived to have information or knowledge related to claims and defenses of either side of the issues. And further, related to the easement, its creation, history, its use or interactions of any nature between them and Defendant

7. Office of the Colorado State Public Defender

#1 Old Town Square, Suite 300, Fort Collins, CO 80524, .Phone: (970) 493-1212.

Employees and/or representatives of the State Public Defenders Office including those, that are party to, or perceived to have information or knowledge related to claims and defenses of either side of the issues. And further, related to the easement, its creation, history, its use or interactions of any nature between them and Defendant

8. Bureau of Land Management

9. An appropriately appointed personnel to relate information or knowledge as to the survey history and aberrations for the subject area's Sections of Public Land Survey System

10. Any yet confirmed resident of the neighborhood perceived to have information or knowledge related to claims and defenses of either side of the issues especially as related to the use of the easement as allowed by the City and implemented by the Authority

11. Any person disclosed by any other party.

12. Any person identified in the documents disclosed or produced in this action.

13. Any person with information related to the claims and defenses in this matter whose identity is learned in the course of discovery, including those witnesses necessary for rebuttal or impeachment.
14. Any person having information and knowledge relevant to produce, identify, or authenticate records.
15. Defendant reserves the right to name additional persons with information and knowledge relevant to the claims and defenses of any party, as that information may become available.

B. Documents, Data Compilations, and Tangible Things.

1. Pursuant to C.R.C.P. 26(a)(1)(B), the undersigned certifies that reasonably available documents relevant to the claims and defenses of any party (that are not privileged or protected from disclosure) will be made available for inspection and copying or by mutual agreement exchanged in electronic format, at a mutually agreed-upon procedure, date and time.
2. Photographs of the Training Center - Gilmartin property and up approximately ½ to 1 mile radius +/-, that may present a difference in quality, perspective, time, character or events in conjunction with claims and defenses of either side of the issues. Further, related to the easement, its creation, history, its use relation or interactions of any nature to Defendant's defense of any and all claims
3. Any documents in support of the Public Land Survey System, its aberrations and survey documents for the issue area.
4. Any documents supporting Defendants exercises legal rights reasonable supporting 'protection and safe and peaceful or general welfare or health in the use of property.
5. Any documents supporting Defendants exercises legal rights of defendant reasonably supporting standards implemented by the City, not in line with same standards as applicable to claims and defenses of either side of the issues.
6. Any documents disclosed by other Parties.
7. Any documents otherwise disclosed in discovery or necessary for rebuttal.
8. Any documents supporting not specifically specified that support Defendants defense.

C. Computation of Damages.

Pursuant to C.R.C.P. 26(a)(1)(C), Defendant will seek monetary and legal determinations, presently not practically calculable, for damage as allowed by law upon appropriate determination in the case.

D. Insurance Agreement.

The Defendant is not presently aware of any applicable insurance coverage excepting those of any contractors as required for work in conjunction with the City or as related to titles. Defendant reserves all rights as allowed

E. Certification and Reservation of Rights.

The Defendant recognizes and acknowledges a duty to supplement in a timely manner these disclosures as the discovery of relevant information requires.

F. Certification.

The undersigned certifies that to the best of her knowledge, information, and belief, formed after a reasonable inquiry into the facts, the disclosures are complete and accurate as of the date set forth below.

- Respectfully submitted

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- Keith Gilmartin

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- Date: 3/20/2017