

**COUNTY COURT , LARIMER COUNTY, COLORADO**

Court Address:  
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Fort Collins, CO 80521-2761  
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FILED IN COMBINED COURTS  
LARIMER COUNTY COLORADO

2017 MAY -8 PM 2:56  
DATE FILED: May 8, 2017  
CASE NUMBER: 2016CV31096

Plaintiff:  
City of Ft Collins, Colorado  
POUDRE FIRE AUTHORITY, a Colorado public entity,

V.

Defendant:  
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

**DEFENDANT'S AMENDED ANSWER  
To  
PLAINTIFF'S AMENDED COMPLAINT**

## OBJECTION

Authority Defendant addresses, as Authority's claim, for conveniences but does not relinquish any rights.

Plaintiff's party, POUFRE FIRE AUTHORITY (the Authority), made claim for transgression for an Easement owned by City of Fort Collins; Claiming empowerment to do so, via a 2016 Intergovernmental agreement, between the entities; Complaint was then served.

. Defendant objects to failure to include said recently created critical authority, not present in this Amended Complaint. Subject to this objection, Defendant asserts following affirmative defenses and responds to Amended Complaint.

### Affirmative Defenses

In conformity with CRCP 8(c) Defendant claims as affirmative defenses against all claims of issue Complaint, actions where within:

- a) Exercise of all rights commensurate with ownership, care and protection of servient estate
- b) Exercise of all rights commensurate with the rights in ownership, of those retained and those still viable within after conveyance of the Easement.
- c) All rights viable as an "ordinary citizen" in actions conductible in public and on public streets and at all times relevant to the issues,
- d) Defendants' actions were reasonable and proper under the laws of the United States and the State of Colorado

## DEFENDANTS' ANSWER TO AMENDED COMPLAINT

### SUBJECT TO AFFIRMATIVE DEFENSES

In several instances, the Defendant has identified statements in the complaint that are legal conclusions or non-factual statements rather than factual assertions. No response to these legal conclusions or non-factual statements is required but has been noted by Defendant opinion.

Pursuant to Federal Rule of Civil Procedure 8(b), Defendants deny each and every allegation contained in Plaintiff's Amended Complaint except for those expressly admitted.

## ANSWERS ENUMERATED

Plaintiff's paragraph 1-5 Defendant admits to claims.

Plaintiff's paragraph 7- Defendant admits only that the Authority conducts training at the facility addressed and is but 1 of several operations and use thereof as designated as part and parcel for inclusive issues. It is suggested that Plaintiff presents a 'suggestio falsi' (Tayler's Law Glossary, 424 " A suppression of the falsehood is a suppression of the truth itself"; Black's Law Dictionary: 2nd Edition Suppression of the truth is equivalent to] the suggestion of what is false. Paul v. Hadley, 23 Barb. (N. Y.) 521, 525.) Plaintiff is put to his strict proof or suffer complaint

Plaintiff's paragraph 8 – Defendant admits only the documented Deed of Easement conveyance to the City, in 1991. Plaintiff assigns more rights than conveyed. ; Defendant puts Plaintiff to his strict proof or suffer complaint . Defendant suggests 'crimen falsi'. (crimen falsi (lit., "the crime of falsifying') ....(u.s. v Toney, 615 F. 2d 277, 278 (5<sup>th</sup> Cir. 1980))

Plaintiff's paragraph 9- Defendant admits ONLY the conveyance of Deed of Easement to grantee. Also admitted is the approximation depiction of Exhibit C. of the easement area. Admission for any other use will require strict proof for definition. Plaintiff's corps can and have used alternate route. Plaintiff called to his strict proof or suffer complaint for all claims not here not Defendant admitted.

Plaintiff's paragraph 10 - Defendant denies item for basis of insufficient information upon which form a belief regarding aspects of elaborated claims

Plaintiff's paragraph 11 - Defendant denies item for basis of insufficient information upon which form a belief regarding aspects of elaborated claims

Plaintiff's paragraph 11 items d,e,f,g,h,i,k,l,n,o - Defendant denies for basis of insufficient information upon which form a belief regarding details, not including times and persons of alleged encounters, subjects of elaborated claims.

Plaintiff's paragraph 11 items a,b,c,j,m - Defendant denies issue for basis of inconsistency between complaint and Exhibit information, from which to form a belief and puts Plaintiff for his strict proof or suffer complaint. Also defects in citations from reality.

Plaintiff's paragraph 12 - Defendant denies item for basis of insufficient information upon which form a belief regarding aspects of elaborated nebulous claims. Further is not discernible as whether claims are additional or a summary

Plaintiff's paragraph 13- Item is not a complaint. Defendant has insufficient information for assessment of Plaintiff's self extolled virtuous behavior but is inclined to disbelief and its inapplicability. Defendant puts Plaintiff to his strict proof should belief be in error.

Plaintiff's paragraph 15, Plaintiff's paragraph 15 is denied and puts Plaintiff to his strict proof .

Plaintiff's paragraph 16, 17 - Defendant denies item for basis of insufficient information upon which form a belief regarding aspects of elaborated claims for clarity as summary or new claims; Presentation, unmasked appears argumentative. Defendant puts Plaintiff to his strict proof should belief be in error.

Plaintiff's paragraph 18 - Defendant denies item for basis in insufficient information upon which form a belief regarding aspects of Plaintiff's elaborated claims : Further, Defendant suggests impertinence and/or argumentation to said claims. Facts known with the appropriate assurance requirement, in the present ,for future events are admitted to be powers, way higher, then witnessed by Defendant or persons known to have

Plaintiff's paragraph 20 and 21 Defendant denies item for basis of insufficient information upon which form a belief mostly for Plaintiff's blank paragraph references on - Defendant's copy of COMPLAINT. Further whether claim of "....., Defendant has intentionally and repeatedly engaged..... is unclear as whether they are additional claims or summary of prior claims.

Plaintiff's paragraph 22 Plaintiff's paragraph 22 - Plaintiff's characterization are apparently summarily attributed to all parties of Complaint , there Defendant calls for Plaintiff for collected his strict proof regarding aspects of elaborated claims.. Again, facts known with the appropriate assurance requirement, present for future events are admitted to be powers, way higher ,then witnessed by Defendant or persons known to have.

A handwritten signature in cursive script, appearing to read "H. M. ...", located at the bottom left of the page.

● CERTIFICATE OF SERVICE

- I certify that a true and accurate copy of this document was served on the listed parties
- placing it in the U.S. mail, postage pre-paid to the following parties
- 

- **Attorney for Plaintiff:**

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- 
- Keith Gilmartin
- Date: 5/8/2017

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Attention B Larson