

DISTRICT COURT, LARIMER COUNTY, COLORADO Larimer County Justice Center 201 La Porte Avenue Suite 100 Fort Collins, CO 80521 970-494-3500		DATE FILED: August 10, 2017 11:53 AM FILING ID: DDF50BF8154BB CASE NUMBER: 2016CV31096
Plaintiffs: CITY OF FORT COLLINS, a Colorado municipal corporation; and POUDDRE FIRE AUTHORITY, a Colorado public entity, v. Defendant: KEITH GILMARTIN, an individual.		▲ COURT USE ONLY ▲
Attorneys for Plaintiffs: Kelley B. Duke, #35168 Benjamin J. Larson, #42540 IRELAND STAPLETON PRYOR & PASCOE, PC 717 17 th St. Suite 2800 Denver, Colorado 80202 Telephone: (303) 623-2700 Fax No.: (303) 623-2062 E-mail: kduke@irelandstapleton.com blarson@irelandstapleton.com		Case No.: 2016CV31096 Div.: Ctrm: 3C
PLAINTIFFS' TRIAL EXHIBIT LIST		

Exhibit No.	Description	Offer.	Stip	ADM	Remarks (Objection)
1	Colorado Land Survey Monument Record as prepared by Robert Alfred Bradshaw, dated April 14, 1990 (Bates No.: PFA_000547)				
2	Lease between Colorado State Board of Agriculture for the use and benefit of Colorado State University and Poudre Fire Authority, dated May 10, 1990, for 30 acres on the Foothills Campus				

Exhibit No.	Description	Offer.	Stip	ADM	Remarks (Objection)
3	Architecture drawing and email to Molly Davis, Deputy City Clerk, from Ron Mills, Right-of-Way Agent, dated January 4, 1991; regarding West Vince Drive (Bates Nos. PFA_000173 – 000174)				
4	Deed of Easement, dated January 15, 1991, Reception No. 91018551, between Hubert J. Gilmartin, Florence R. Gilmartin, Keith J. Gilmartin and the City of Fort Collins, Colorado (Bates Nos. PFA_000446-000453)				
5	Letter to Keith Gilmartin, Evan Gilmartin, Mr. and Mrs. Hubert Gilmartin, from Theresa M. Tryon, Credit Officer, Farm Credit Service; cc: Helen Matson, regarding Subordination and consent of easement for the City of Fort Collins Loan #792519-6-0, dated March 7, 1991 (Bates No. PFA_000176)				
6	Larimer County Sheriff's Office Report, dated August 21, 2010 (Bates Nos. PFA_000051 – 000053)				
7	Land Plat Survey, dated November 24, 2010 (Bates No. PFA_000089)				
8	Deed of Easement, dated January 15, 1991 between Hubert J. Gilmartin, Florence R. Gilmartin, Keith J. Gilmartin and the City of Fort Collins, Colorado, re-recorded to correct legal description March 15, 2011, Reception No. 20110016645 (Bates Nos. PFA_000541 – 000546)				

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9	Deed of Easement, dated January 15, 1991 and recorded February 11, 1991, Reception No. 91005481, between Hubert J. Gilmartin, Florence R. Gilmartin, Keith J. Gilmartin and the City of Fort Collins, Colorado (Bates Nos. PFA_000180 – 000185)				
10	Larimer County Sheriff's Office Report, dated September 28, 2011 (Bates Nos. PFA_000054 – 000059)				
11	Letter to Keith Gilmartin from Steven C. Mason, Asst. City Attorney, City of Fort Collins, dated October 20, 2011, regarding Poudre Fire Authority Easement – Cease and Desist (Bates No. PFA_000440)				
12	Letter to Keith Gilmartin from Bronwyn Scurlock, Asst. City Attorney, Fort Collins City Attorney's Office, regarding City Easement, dated January 25, 2013 (Bates No. PFA_000101)				
13	Email from Randy Callahan to Mike Gress; cc: Mike Gavin, Randy Callahan, dated May 30, 2013; regarding Neighbor Complaint (Bates No. PFA_000426)				
14	Larimer County Sheriff's Office Report, dated May 30, 2013 (Bates Nos. PFA_000060 – 000062)				
15	Email from Randy Callahan to Randy Callahan, dated June 27, 2013; regarding Keith – June 27, 2013 (Bates Nos. PFA_000423)				
16	Alta/ACSM Land Title Survey, dated July 2, 2013 (Exhibit A to Plaintiffs' 26(a)(2) Expert Disclosure)				

Exhibit No.	Description	Offer.	Stip	ADM	Remarks (Objection)
17	Email from Chris Wolf to Randy Callahan, dated July 5, 2013; regarding Yesterday's Encounter with Keith (Bates No. PFA_000421)				
18	Email from Randy Callahan to Officer Bull, Larimer Humane Society; cc: Randy Callahan, Mike Gress, Mike Garvin, dated July 26, 2013; regarding Poudre Fire Authority Dog Concern, with attachments (Bates Nos. PFA_000417 – 000420)				
19	Email from Chad Myers to Randy Callahan, dated August 1, 2013, no subject line, with attachments (Bates Nos. PFA_000414 – 000415)				
20	Letter to Keith Gilmartin from Bronwyn Scurlock, Asst. City Attorney, Fort Collins City Attorney's Office, regarding Installation of a Fence at PFA Training Facility, dated August 22, 2013 (Bates No. PFA_000102)				
21	Email from Mike Gress to Randy Callahan, dated September 27, 2013; regarding Keith (Bates No. PFA_000411)				
22	Email from Randy Callahan to Randy Callahan, dated November 5, 2013, regarding Keith Nov 1 (Bates No. PFA_000410)				
23	Email from Mike Gress to Brad Kobielusz; cc: Randy Callahan, dated December 28, 2013, regarding Training Neighbor (Bates No. PFA_000407)				

Exhibit No.	Description	Offer.	Stip	ADM	Remarks (Objection)
24	Email from Mike Gavin to Tom DeMint; Mike Gress; Chris Wolf; Brandon Garcia; Kelly Close; Randy Callahan; Doug Lane; John Lippert; Jim Pietrangelo; Rick Vander Velde; Bob Poncelow; Ryan McLean, dated February 14, 2014; regarding Update CSU v. Gilmartin, with attachments (Bates Nos. PFA_000397 – 000403)				
25	Amended and Restated Intergovernmental Agreement Establishing the Poudre Fire Authority, dated July 15, 2014 (Bates Nos. PFA_000001 – 000020)				
26	CSU Police Department Report, dated September 30, 2014 (Bates Nos. PFA_000063 – 000067)				
27	Larimer County Sheriff's Office Report, dated May 2, 2015 (Bates Nos. PFA_000068 – 000078)				
28	Email from Spencer Rice to Randy Callahan, dated June 4, 2015; regarding Neighbor Keith (Bates No. PFA_000377)				
29	Larimer County Sheriff's Office Report, dated July 1, 2015 (Bates Nos. PFA_000079 – 000085)				
30	Email from Spencer Rice to Randy Callahan, dated July 1, 2015; regarding Photo, with attachments (Bates Nos. PFA_000364 – 000374)				
31	Email from Bob Poncelow to PFA Users, dated July 1, 2015; regarding Training Center Security (Bates No. PFA_000363)				
32	Email exchanges between Keith Gilmartin, Tom DeMint and Carrie Daggett, City Council, dated June 20 – July 10, 2015; regarding PFA/W Vine Dr. Easement (Council SAR #29995) (Bates Nos. PFA_000132 – 000139)				

Exhibit No.	Description	Offer.	Stip	ADM	Remarks (Objection)
33	Email exchange between Amy and Bryan Maddox and Randy Callahan, and Randy Callahan and Mike Gress, dated May 19-July 21, 2015; regarding Keith (Bates No. PFA_000359)				
34	Email exchange between Brian Fuller, Randy Callahan, Spencer Rice, dated August 18-19, 2015; regarding Fuller (Bates No. PFA_000357)				
35	Email from Randy Callahan to Randy Callahan, dated March 22, 2016; regarding New barricade, with attachment (Bates Nos. PFA_000328 – 000329)				
36	Email from Spencer Rice to Randy Callahan, Mike Gress, dated February 9, 2016; regarding Keith's dogs with attachments (Bates Nos. PFA_000331 – 000349)				
37	Email from Mike Gavin to Tom DeMint; Mike Gress; Gary Nuckols; Randy Callahan, dated May 13, 2016; regarding Property Issue, with attachments (Bates Nos. PFA_000319 – 000327)				
38	Email from Spencer Rice to Mike Gress, Randy Callahan, dated May 31, 2016; regarding Keith, with attachments (Bates Nos. PFA_000311 – 000318)				
39	Email exchange between Keith Gilmartin, CCSL and Carrie Daggett, dated May 30 – Jun 7, 2016; regarding To Debris or not Debris, with attached Deed of Easement (Bates Nos. PFA_000148 – 000152)				

Exhibit No.	Description	Offer.	Stip	ADM	Remarks (Objection)
40	Email exchange between Randy Callahan and Tricia Booth, dated June 16, 2016; regarding Invoice12550 from Jordan's Tree Moving & Maintenance, with attached invoice #12550 (Bates Nos. PFA_000306 – 000307)				
41	Letter to Keith Gilmartin from Darin Atteberry, City Manager and Tom DeMint, Fire Chief; cc: Carrie Daggett, dated June 28, 2016 (Bates Nos. PFA_000169 – 000170)				
42	Email exchange between Randy Callahan and Adam Smith, dated August 9, 2016, regarding Mr. Gilmartin Debris Removal (Bates Nos. PFA_000298 – 000300)				
43	Intergovernmental Agreement between Poudre Fire Authority and the City of Fort Collins, Colorado, dated October 12, 2016 (Bates Nos. PFA_000025 – 000050)				
44	Photograph of sign erected by Defendant on or about October 18, 2016 (Bates No. PFA_000086)				
45	Email from Randy Callahan to Randy Callahan, dated November 1, 2016, regarding Mr. Gilmartin Parking Complaint (Bates No. PFA_000295)				
46	Email exchange between Randy Callahan and Christopher Robertson, dated November 28, 2016; regarding PFA Contract, with attached Service Agreement for PFA Family Night (Bates Nos. PFA_000293 – 000294)				
47	Satellite Image of PFA Training Center (Exhibit E to Plaintiffs' Motion for Partial Summary Judgment)				

Exhibit No.	Description	Offer.	Stip	ADM	Remarks (Objection)
48	Photographs taken by James Snow on April 21, 2017 (Bates Nos. PFA_000265 – 000270)				
49	CSU Police Department incident report, dated May 30, 2017 (Bates Nos. PFA_000272 – 000274)				
	Any and all documents, exhibits, data compilations, intangible things disclosed by defendant or any other party to this lawsuit				
	Any document for purposes of impeachment or rebuttal				
	Any exhibit necessary for demonstrative purposes				

Respectfully submitted this 10th day of August, 2017.

IRELAND STAPLETON PRYOR & PASCOE, PC

Signed original on file at the office of
Ireland Stapleton Pryor & Pascoe, PC

/s/ Kelley B. Duke

Kelley B. Duke, #35168

Benjamin J. Larson, #42540

Special Counsel for the City of Fort Collins

Attorneys for Poudre Fire Authority

CERTIFICATE OF SERVICE

I hereby certify that on this 10th day of August, 2017, a true and correct copy of the foregoing **PLAINTIFFS' TRIAL EXHIBIT LIST** was served via U.S. Postal Service, first class mail, postage prepaid and addressed as follows:

Keith Gilmartin
3316 W. Vine Drive
Fort Collins, CO 80521

And served via email to:
keithgil2@gmail.com

/s/Barbara Biondolillo

Barbara Biondolillo