

DISTRICT COURT, LARIMER (FT COLLINS) COUNTY, COLORADO Court Address: 201 Laporte Avenue, Suite 100, Fort Collins, CO, 80521	DATE FILED: August 28, 2017 2:38 PM CASE NUMBER: 2017CV219 <p style="text-align: center;">△ COURT USE ONLY △</p>
Plaintiff(s) ERIC SUTHERLAND v. Defendant(s) CITY OF FORT COLLINS	
Case Number: 2017CV219 Division: 5C Courtroom:	
Order re "Bond, with Sureties..." filed by Contestor	

Contestee and Defendant City of Fort Collins objects to the sufficiency of the "Bond, With Sureties..." filed by Contestor and Plaintiff Eric Sutherland.

The Court finds under C.R.S. 1-11-203.5(1) that it may take jurisdiction of this matter even if Contestor Sutherland has not filed a "bond with sureties, running to the contestee and conditioned to pay all costs, including attorneys fees". C.R.S. 1-11-203.5(1) provides, in pertinent part that "Before the court is required to take jurisdiction of the contest..." the contestor shall file a bond with sureties as described. However, this provision of C.R.S. 1-11-203.5 does not state that this Court lacks jurisdiction unless such a bond is filed. Rather, the Court may apparently take jurisdiction of this contest without such a bond in its discretion.

The Court finds, in its discretion, that the filing of a bond with sureties is not here required. The Court notes that under C.R.S. 1-11-203.5(2) this matter must be adjudicated within 10 days of August 24, 2017. The Court further notes the guidance provided by the Colorado Supreme Court in its interpretation of this same statutory provision in Sarnar v. Angela Myers and City of Loveland, 2016SA61. In its ORDER OF COURT dated October 27, 2016 in that case, the Colorado Supreme Court noted the limited scope of proceedings under C.R.S. 1-11-203.5, and disapproved the setting of a bond by this Court in the amount of \$10,000.

Therefore, based upon the preceding analysis, the Court denies the request by Contestee City of Fort Collins that a bond with sureties be filed in this action by Contestor Eric Sutherland, and finds that it is appropriate to proceed in this matter at this time because of the limited nature of this proceeding and the fact that this matter must be fully adjudicated within 10 days of August 24, 2017.

Issue Date: 8/28/2017



THOMAS R FRENCH
 District Court Judge