

FORT COLLINS MUNICIPAL COURT 215 N. Mason Fort Collins, CO 80521 Phone (970) 221 6800	
Plaintiffs: Colleen Hoffman, Rick Hoffman, Ann Hunt v. Defendant: THE CITY COUNCIL OF THE CITY OF FORT COLLINS, the governing body of a Colorado municipal corporation; and THE ADMINISTRATION BRANCH OF THE CITY OF FORT COLLINS, by and through its City Manager, Darin Atteberry.	▲ COURT USE ONLY ▲ Case Number: 2017 CIVIL 01
<hr/> Parties without attorney Colleen Hoffman, pro se 1804 Wallenberg Drive Fort Collins, CO 80526 (970) 484 8723 cohoff@comcast.net Rick Hoffman, pro se 1804 Wallenberg Fort Collins, CO 80526 (970) 484 5154 rick-hoffman@comcast.net Ann Hunt, pro se 1800 Wallenberg Drive Fort Collins, CO 80526 (970) 484 5242 ARH4@COMCAST.NET	
PLAINTIFFS' SPECIAL NOTICE REGARDING THE STATUS OF THE PRESENT CASE	

Plaintiffs, Colleen Hoffman, Rick Hoffman and Ann Hunt submit this Special Notice Regarding the Status of the Present Case as an extra-procedural filing made necessary by extraordinary circumstances.

As *pro se* litigants in this matter, the Plaintiffs herein use the plural pronouns (we, us, our) to refer to themselves. Unless otherwise noted, all references to the Plaintiffs in this pleading where a statement of position on any matter is made or inferred indicate a jointly adopted position agreed to by all 3 individual plaintiffs.

This case is still suspended. No action of City Council has properly appointed a person for the exercise of judicial authority over the present matter.

The facts pertaining to the current circumstances are clear and unquestionable.

The previous judge presiding over this case, Theresa Ablao, has granted our previous motion made pursuant to Rule 97 of the Colorado Rules of Civil Procedure adopted with substitutions by the Fort Collins City Council. The current Municipal Court Judge¹, Kathleen Lane, may be presumed to be similarly disqualified for reasons similar to those presented in our Rule 97 Motion, however, even if that were not the case, no order or other pronouncement has been made indicating that Kathleen Lane is now presiding over this case.

No other person has been duly appointed by the City of Fort Collins to exercise judicial authority. Appointment of a person to exercise judicial authority may not be made indirectly through an Intergovernmental Agreement (IGA), and, even if this were not true, no IGA has been duly approved by the City Council of the City of Fort Collins to effectuate such an appointment.

The parties to this case and this court may wish to take notice of the form and content of authorizations made by the City Council of the City of Loveland pertaining to the appointment of two judges and the execution of an Intergovernmental Agreement with the City of Fort Collins and the City of Greeley². (See attachment). Language in the authorizing Resolution can clearly be seen to authorize the execution of an IGA, which had been prepared and published for review of the Loveland City Council in advance of any action taken. Language in the authorizing Resolution also can be clearly seen to have appointed two people, Kathleen Lane and Brandi Nieto, to exercise the judicial authority of the City of Loveland.

An excerpt from this AIS is included below for clarity.

¹ No Chief Municipal Court Judge has been named by City Council in the aftermath of a Charter Amendment adopted by the electors in a municipal election held on April 8th, 2017.

² The Agenda Item Summary (AIS) of this authorization is attached to this Special Notice. This AIS is not signed. We have not verified that either the IGA or the Resolution found in this AIS has been signed. This attachment has been provided solely for the purposes of demonstrating what is believed to be a greatly improved and perhaps even meaningful process for appointing persons to exercise judicial authority in a municipal court.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO, THAT:

Section 1. The "Intergovernmental Agreement Between The City Of Loveland, City of Greeley, and City of Fort Collins and Larimer County for Judicial and Administrative Services" attached hereto as Exhibit A and incorporated herein by reference ("Intergovernmental Agreement"), is hereby approved.

Section 2. The Mayor is hereby authorized and directed to execute the Intergovernmental Agreement, in consultation with the City Attorney, and subject to any modifications in form or substance as deemed necessary to effectuate the purposes of this Resolution or to protect the interests of the City.

Section 3. Judge Lane and Judge Nieto are hereby appointed as deputy municipal judges serving pursuant to the Intergovernmental Agreement herewith approved.

Section 4. This Resolution shall be effective as of the date of its adoption.

It can not be questioned that no analogous or similar authorizations for the appointment of any person to the bench of the Fort Collins Municipal Court or the authorization for the execution of an IGA has ever been made by the City Council of the City of Fort Collins pursuant to the authority granted by Article VII section 1 of the Fort Collins City Charter.³ In the absence of such authorizations that are, at the minimum⁴, equivalent in meaning and legal effect as those found in the Loveland AIS, we state here our complete trust and belief in the facts we are presenting to this Court in this Special Notice.

We state here our firm belief that it would be better for the interests of our entire community not to validate or in any way legitimize the exercise of judicial authority in a manner that is wholly inconsistent with due process. We have steadfastly pursued the public interest in this case and are compelled to continue in this pursuit.

WHEREFOR, we respectfully request that this court take notice of the special circumstances noted in this extra-procedural Special Notice made necessary by the

³ This statement is true, in particular, of Resolutions 028 – 2016 and 024 – 2017 of the Fort Collins City Council.

⁴ We reserve our right to question the practical effects of the IGA and the actions of the Municipal Court Judge in any process of naming a judge to this case. In particular, the use of a descriptor "assistant judge" and the authority of Kathleen Lane to appoint any person to any case merit further scrutiny, although the other deficiencies noted in this Special Notice eliminate the necessity of such review at this time.

extraordinary circumstances created by lack of due process in appointments made to the bench.

Respectfully submitted this 18th day of August, 2017.

Colleen Hoffman

Colleen Hoffman

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Ft. Collins, CO 80526

Address of Lead Plaintiff

Rick Hoffman

Rick Hoffman

Ann Hunt

Ann Hunt