

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 1:17-cv-00493-RPM

EUGENE HOWARD,

Plaintiff,

v.

CITY OF FORT COLLINS,

Defendant.

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**STIPULATED MOTION FOR DISMISSAL OF  
DEFENDANT CITY OF FORT COLLINS**

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Plaintiff, Eugene Howard, by and through his attorney, **MARK S. BOVE** of the law firm **MARK S. BOVE, P.C.** and Defendants, City of Fort Collins and Kathleen Walker, by and through its and her attorneys, **CATHY HAVENER GREER**, and **KATHERINE M.L. PRATT** of **WELLS, ANDERSON & RACE, LLC**, and **JENNY LOPEZ FILKINS, SENIOR ASSISTANT CITY ATTORNEY, CITY OF FORT COLLINS**, hereby submit this Stipulated Motion for Dismissal of Defendant, City of Fort Collins with prejudice pursuant to Fed. R. Civ. P. 41, as follows:

1. Any and all claims asserted against Defendant, City of Fort Collins, as set forth in Plaintiff's Complaint and Jury Demand, and all other pleadings shall be dismissed with prejudice;
2. Defendant City of Fort Collins should be dismissed from this action with prejudice with each party to pay its own attorneys fees and costs.

WHEREFORE, the parties respectfully request that the Court enter an Order dismissing Defendant City of Fort Collins with prejudice.

Respectfully submitted this 27<sup>th</sup> day of November, 2017.

MARK S. BOVE, P.C.

WELLS, ANDERSON & RACE, LLC

S/ Mark S. Bove

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**ATTORNEYS DEFENDANTS**

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on November 27, 2017, a true and correct copy of the above and foregoing **STIPULATED MOTION FOR DISMISSAL OF DEFENDANT CITY OF FORT COLLINS** was electronically filed with the Clerk of Court using the CM/ECF system, which will send notification of such filing to the following email addresses:

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**ORDER OF DISMISSAL OF DEFENDANT CITY OF FORT COLLINS**

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THIS MATTER COMES before the Court on the Stipulated Motion for Dismissal of Defendant City of Fort Collins with Prejudice pursuant to Fed. R. Civ. P. 41. After carefully reviewing the file in this matter, I find that the Stipulated Motion should be granted and Defendant City of Fort Collins should be dismissed with prejudice from this action. Accordingly, it is

**ORDERED** that the Stipulated Motion for Dismissal of Defendant, City of Fort Collins is **GRANTED**. Defendant, City of Fort Collins is **DISMISSED WITH PREJUDICE** from this proceeding, and each party to pay its own attorney fees and costs.

SO ORDERED this \_\_\_\_\_ day by \_\_\_\_\_, 2017.

BY THE COURT:

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United States District Court Judge