

**Isle G. Westphal v. Anthony Jansa, et al.  
2017CV30903**

**Attachment C to Proposed Preliminary Case Management Order**  
DATE FILED: January 29, 2018 9:03 AM  
CASE NUMBER: 2017CV30903

The City of Fort Collins is a governmental entity entitled to immunity pursuant to C.R.S. 24-10-106 (“CGIA”) and interpreting case law, the City has not waived immunity, and therefore should be dismissed. Beyond that, the City denies negligence or wrongdoing. The City had no actual or constructive knowledge of a dangerous condition and did not fail to take reasonable precautions to guard against a dangerous condition, if any. The City maintains that this accident was caused by the negligence or fault of parties not within its control or its right to control. Specifically, Plaintiff was contributory negligent, which may eliminate or proportionately reduce her recovery. Defendant Jansa may also be comparatively negligent, which would eliminate or proportionately reduce the liability of the City, if any. From a damages perspective, it appears that Plaintiff’s injuries are relatively significant. However, the City is not in possession of medical records or medical bills at the time of this filing. The City will need to engage in further analysis, investigation and discovery of damages to determine the extent, severity and permanency of her condition and injuries, particularly if she alleges a brain injury. Nonetheless, any recovery against the City, assuming there is one, would be statutorily capped by the CGIA.