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Fort Collins Municipal Court,
Larimer County, Colorado

Court Address: 215 N. Mason St., 1st floor
P.O. Box 580
Fort Collins, CO 80522

Court Phone: 970-221-6800

FORT COLLINS MUNICIPAL COURT

▲ COURT USE ONLY ▲

Civil Case No.: 2018-CIVIL-01

PLAINTIFFS: ERIC SUTHERLAND; and BRIAN DWYER

v.

DEFENDANTS: 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

Intervenor: Next Chapter Properties, LLC, an Illinois limited liability company

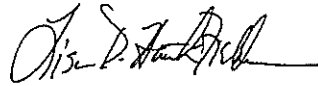
ORDER SETTING SCHEDULE FOR CERTIFICATION AND FILING OF RECORD AND FOR FILING OF BRIEFS

This matter is before the Court on a motion from Intervenor Next Chapter Properties, LLC to expedite the briefing schedule. The Court agrees a briefing schedule should be set. However, the Court notes that its review pursuant to C.R.C.P. 106(a)(4) is not de novo but “shall be limited to a determination of whether the body [the Fort Collins City Council] has exceeded its jurisdiction or abused its discretion, based on the evidence in the record before the defendant body. . .” C.R.C.P. 106(a)(4)(I). To date, while all parties’ pleadings have referred to “the record” and to “the transcript,” no such record or transcript of the proceedings before either the Planning and Zoning Board or the City Council concerning the Johnson Drive Apartments Project Development Plan, PDP #170034, has been certified or otherwise presented to the Court for its review.

- Therefore, pursuant to C.R.C.P. 106(a)(4)(VIII), the Court hereby ORDERS as follows:
- a. All parties shall certify and file with the Court and to all other parties those portions of the record concerning PDP#170034 that they wish the Court to review no later than Tuesday, July 31, 2018;
 - b. Plaintiffs’ opening brief shall be filed no later than August 21, 2018;

- c. Response briefs shall be filed no later than September 11, 2018;
- d. Plaintiffs' reply brief shall be filed no later than September 25, 2018.

IT IS SO ORDERED, this 23rd day of July, 2018.



Lisa D. Hamilton-Fieldman
Municipal Judge (Temporary)