

<p>DISTRICT COURT, LARIMER COUNTY, COLORADO 201 LaPorte Avenue Fort Collins, CO 80521</p>	<p>DATE FILED: July 24, 2018 1:53 PM FILING ID: 8997B30A9FE5F CASE NUMBER: 2018CV149</p>
<p>Plaintiff: ERIC SUTHERLAND, <i>pro se</i></p> <p>v.</p> <p>Defendants: THE CITY OF FORT COLLINS, a home rule municipality in the State of Colorado; STEVE MILLER, in his capacity as the Larimer County Assessor and all successors in this office; IRENE JOSEY, in her capacity as the Larimer County Treasurer and all successors to this office; and</p> <p>Indispensable Parties: THE TIMNATH DEVELOPMENT AUTHORITY, an Urban Renewal Authority; and COMPASS MORTGAGE CORPORATION, an Alabama company doing business in Colorado.</p>	<p>▲ COURT USE ONLY ▲</p>
<p><i>Counsel for The Timnath Development Authority and Compass Mortgage Corporation:</i></p> <p>Eric R. Burris, <i>pro hac vice</i> pending BROWNSTEIN HYATT FARBER SCHRECK, LLP 201 Third Street NW, Suite 1800 Albuquerque, NM 87102 Telephone: 505.244.0770 Email: eburris@bhfs.com</p> <p>Cole J. Woodward, #50199 BROWNSTEIN HYATT FARBER SCHRECK, LLP 410 Seventeenth Street, Suite 2200 Denver, CO 80202-4432 Phone: 303.223.1100 Email: cwoodward@bhfs.com</p> <p><i>Co-Counsel for The Timnath Development Authority:</i></p> <p>Robert G. Rogers, #43578 Casey K. Lekahal, #46531 WHITE BEAR ANKELE TANAKA & WALDRON 2154 E. Commons Ave., Suite 2000 Centennial, CO 80122 Phone: 303.858.1800 Emails: rrogers@wbapc.com; clekahal@wbapc.com</p>	<p>Case Number: 2018CV149</p> <p>Division: 3C</p>
<p style="text-align: center;">MOTION TO DISMISS COUNTERCLAIMS AND WITHDRAW MOTION FOR INJUNCTIVE RELIEF PURSUANT TO C.R.C.P. 65(g)</p>	

1. The Timnath Development Authority (“TDA”) and Compass Mortgage Corporation (“Compass”), through their counsel of record, hereby submit their Motion to Dismiss Counterclaims and Withdraw Motion for Injunctive Relief Pursuant to C.R.C.P. 65(g).

2. Certificate of Compliance with Rule 121 §1-15(8): The undersigned certifies that he conferred with Plaintiff via email and proposed a stipulation to dismiss the claims described below. Plaintiff did not respond to counsel’s message to indicate whether he opposed the Motion.

3. The Court previously dismissed Plaintiff’s Claims against TDA and Compass. As a result, TDA requests that the Court dismiss without prejudice its Counterclaims against Sutherland (filed on June 5, 2018). Compass did not file any Counterclaims against Sutherland.

4. As a result of the Court’s dismissal of Plaintiff’s claims, TDA and Compass also seek the Court’s leave to withdraw their Motion for Injunctive Relief Pursuant to C.R.C.P. 65(g) (the “Motion”) (filed June 5, 2018).

WHEREFORE, TDA and Compass pray for an Order of this Court Dismissing their Counterclaims without prejudice and withdrawing their Motion for Injunctive Relief Pursuant to C.R.C.P. 65(g).

DATED this 24th day of July, 2018.

BROWNSTEIN HYATT FARBER SCHRECK, LLP

Original signature on file at offices of Brownstein Hyatt Farber Schreck pursuant to C.R.C.P. 121 § 1-26

By: s/Cole J. Woodward

Eric R. Burris, *admitted pro hac vice*

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Casey K. Lekahal, #46531

WHITE BEAR ANKELE TANAKA AND WALDRON

Attorneys for The Timnath Development Authority and
Compass Mortgage Corporation

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 24th day of July, 2018, a true and correct copy of the foregoing **MOTION TO DISMISS COUNTERCLAIMS AND WITHDRAW MOTION FOR INJUNCTIVE RELIEF PURSUANT TO C.R.C.P. 65(g)** was filed with the Court and served via Colorado Courts E-filing System on *pro se Plaintiff* as follows:

By E-Mail and Regular Mail

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s/Penny G. Lalonde

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