

<b>District Court, Larimer County, Colorado</b> Larimer County Justice Center; 201 La Porte Avenue, Suite 100, Fort Collins, CO 80521 Phone: (970) 494-3500	DATE FILED: August 17, 2018 3:30 PM FILING ID: CA75241FE5336 CASE NUMBER: 2018CV125
<b>Plaintiff, Pro Se:</b> RORY HEATH AS AN INDIVIDUAL PLAINTIFF AND ON BEHALF OF OTHER CONCERNED RESIDENTS AND PARTIES,  v.  <b>Defendants:</b> CITY OF FORT COLLINS CITY COUNCIL; CITY OF FORT COLLINS, RIPLEY DESIGN, INC.; ELIZABETH STREET CO. OWNER, LLC	▲ COURT USE ONLY ▲
	Case Number: 18CV125  Courtroom: 5A
<b>ORDER RE: DEFENDANT’S MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM UPON WHICH RELIEF MAY BE GRANTED</b>	

THIS MATTER, having come before the Court on the motion of Defendant Ripley Design, Inc., a Colorado corporation (“Ripley”), and the Court being duly advised in the premises, hereby FINDS AND ORDERS as follows:

1. There is no facial plausibility to Plaintiff’s claims against Ripley as a defendant in this action.
2. The Court, after taking the material facts in this litigation as true, finds that Plaintiff has no grounds for asserting any claims against Ripley as defendant in this action as Ripley is not an indispensable, necessary, or appropriate party.

WHEREFORE, the Court dismisses Ripley as a defendant in this action without prejudice because Plaintiff has failed to state a claim upon which relief may be granted against Ripley.

DONE this \_\_\_\_ day of \_\_\_\_\_, 2018.

BY THE COURT:

\_\_\_\_\_  
DISTRICT COURT JUDGE