

<p>8th DISTRICT COURT LARIMER COUNTY JUSTICE CENTER Court Address: 201 Laporte Avenue Fort Collins, CO 80521 Phone (970) 494-3500</p>	<p>DATE FILED: September 21, 2018 CASE NUMBER: 2018CV149</p> <p>2018 SEP 21 PM 2:48</p> <p>FILED IN COMBINED COURT LARIMER COUNTY CO</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 to this office; IRENE JOSEY, in her capacity as the Larimer County Treasurer and all successors to this office;</p> <p>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>Party without attorney: Eric Sutherland, <i>pro se</i> 3520 Golden Currant Boulevard Fort Collins, CO 80521 Phone Number: (970) 224 4509 E-mail: sutherix@yahoo.com</p>	<p>Case #: 2018CV149 Division:</p>
<p align="center">PLAINTIFF'S REQUEST FOR ORDER GRANTING TIMNATH DEVELOPMENT AUTHORITY'S MOTION TO WITHDRAW COUNTERCLAIMS GRANTED BY THIS COURT</p>	

Plaintiff, Eric Sutherland, now files this Request that this Court Issue an Order Granting Timnath Development Authority's Motion to Withdraw Counterclaims.

I. BACKGROUND

On July 24th, 2018, Timnath Development Authority, the "TDA", filed with this Court its Motion to Withdraw Counterclaims. This Motion was unopposed. TDA represented the Motion as opposed by default of non-committal, but this representation was inaccurate.

No Order by this Court has yet granted the relief requested in the *Motion to Withdraw.*

This subject was brought up on September 20th, 2018 in a hearing attended by Cole Woodward, Counsel for the TDA, in a related matter, case no 2018CV567.* Mr. Woodward is in agreement that this Court has not entered an Order granting the *Motion*. This fact had not been known understood prior to the hearing. Mr. Woodward stated on the record that this case should be closed and, indeed, he thought it was. Mr. Woodward also stated that this Court may benefit from being made aware of the situation.

II. ORDER MAY BE GRANTED.

The TDA's Motion may be granted at this time. This Court has been fully briefed on the subject and the *Motion to Withdraw* should be granted.


Eric Sutherland

SEPT. 21ST
Dated ~~SEPT. 20~~, 2018

* AKA 2018CV030567

I hereby certify that on this 20th Day of Sept., 2018, a true and correct copy of the foregoing **Plaintiff's Response to Defendant City of Fort Collins' Motion to Dismiss** was filed with the Court. Also, a true and correct copy of the foregoing will be served via email to the following no later than Sept. 20th, 2018.

Eric R. Burris eburris @ bhfs.com
Cole J. Woodward cwoodward @ bhfs.com
BROWNSTEIN HYATT FARBER SCHRECK, LLP

WJR

Robert Rogers rrogers @ wbapc.com
Casey K. Lekahal clekahal @wbapc.com
WHITE BEAR ANKELE TANAKA & WALDRON

John Mill jmill @ shermanhoward.com
Amanda Milgrom amilgrom @ Shermanhoward.com
Attorneys for City of Fort Collins

John Duval jduval @ fcgov.com
Carrie Daggett cdaggett @ fcgov.com

George Hass ghass@ larimer.org
Jeanine Haag jhaag @ larimer.org
David Ayraud dayraud @ larimer.org
William Ressue wressue @ larimer.org
Attorneys for County Treasurer and Assessor

By W. E. Lutz