

**8<sup>th</sup> DISTRICT COURT**  
**LARIMER COUNTY JUSTICE CENTER**  
Court Address: 201 Laporte Avenue  
Fort Collins, CO 80521  
Phone (970) 494-3500

2018 OCT -5 AM 8:04  
DATE FILED: October 5, 2018  
CASE NUMBER: 2018CV149

FILED IN COMBINED COURT  
LARIMER COUNTY CO

**Plaintiff:** Eric Sutherland, *pro se*

v.

**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;

And

**Indispensable Parties:** THE TIMNATH DEVELOPMENT AUTHORITY, an Urban Renewal Authority; and COMPASS MORTGAGE CORPORATION, an Alabama company doing business in Colorado.

**Party without attorney:**  
Eric Sutherland, *pro se*  
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Fort Collins, CO 80521  
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▲ COURT USE ONLY ▲

Case #: 2018CV149  
Division: 3C

**MOTION FOR CORRECTION OF THE RECORD IN ADVANCE OF APPEAL**

Plaintiff, Eric Sutherland (also referred to here with 1<sup>st</sup> person pronouns) files this Motion for Correction of the Record in Advance of Appeal in order to assure that all pleadings and other submissions on file in ICCES represent exactly what was filed.

**Certification of Conference:** The undersigned certifies that he has conferred with Counsel for the Defendants via email on the subject of this Motion. *Defendants Compass Bank and the Timnath Development Authority have indicated, through their attorney Cole Woodward, that the relief requested here is opposed.* No other parties have specified a position at this time.

## **I. BACKGROUND**

All self represented litigants participating in civil matters have but two options for submitting documents such as pleadings and Exhibits to the 8<sup>th</sup> District Court; 1) filing of papers with an assistant Clerk in the office of the Clerk of Courts at the Justice Center, or 2) sending papers through US mail to the Clerk of Courts. In both options, only paper copies of documents may be submitted.

Throughout this proceeding and others, I have elected to file papers by hand delivery to an assistant Clerk. These papers are then scanned and the resulting electronic file is logged into the ICCES system.

The scanning process will sometimes scan both sides of a sheet of paper. The resulting document will then have either blank pages or, in some situations, the unintended content of the back side of a page included in the final document that is logged on to ICCES. As a result, a known quantity of individual documents that are visible to users of the ICCES system and an unknown quantity of documents that are not visible contain extraneous pages that were not intended to be reviewed by the court or part of the record of the proceeding. See, for example, *Motion for Determination of Questions of Law*.<sup>1</sup>

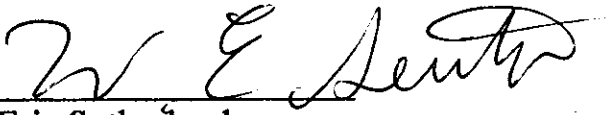
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<sup>1</sup> The *Motion for Determination of Questions of Law* was filed two days prior to this Motion. I am not accustomed to reviewing my own filings on ICCES, although I frequently make use of ICCES in either the Records department or self-help at the Justice Center. For reasons unimportant here, I did take a look at this document on ICCES and found it to contain extraneous pages. Further review found several other files also contained extraneous pages.

This Courts adjudication of this matter has lead me to question whether or not any of the pleadings that I have filed have been read by this Court. See *Motion for Reconsideration of Order Granting Fees* at p. 2. Regardless, this matter will most likely be appealed pursuant to C.A.R. Rule 3. Correction of the record beginning as soon as practical will unquestionably aid in the efficient and fair adjudication of an appeal. Starting this process at this time and not waiting until the record is certified for appeal will guaranty the more efficient delivery of justice.

## **II. RELIEF REQUESTED**

I respectfully request that, upon Order of this Court, the Clerk of Courts should be instructed to review the documents in the record of this case to determine if any documents have included extraneous pages as a consequence of scanning in paper submissions. Where documents that contain extraneous pages are found, the documents shall be edited in a manner to remove the extraneous pages to produce a document that is consistent in content with submissions to the court and also served upon the parties in this case.

  
Eric Sutherland

Dated October 5, 2018

I hereby certify that on this 5th Day of October, 2018, a true and correct copy of the foregoing *Motion for Correction of the Record in Advance of Appeal* was filed with the Court. Also, a true and correct copy of the foregoing and an accompanying Proposed Order will be served via email to the following no later than October 5, 2018.

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By  \_\_\_\_\_