

<p>8th DISTRICT COURT LARIMER COUNTY JUSTICE CENTER Court Address: 201 Laporte Avenue Fort Collins, CO 80521 Phone (970) 494-3500</p>	<p>2018 OCT 18 PM 12:12 DATE FILED: October 18, 2018 CASE NUMBER: 2018CV149</p> <p>FILED IN COMBINED COURT LARIMER COUNTY CO</p> <p>▲ COURT USE ONLY ▲</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>Case #: 2018CV149 Division: 3C</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>PLAINTIFF'S MOTION FOR A HEARING OF DEFENDANT CITY OF FORT COLLINS' COMBINED MOTION FOR ATTORNEYS FEES AND COSTS</p>

Plaintiff, Eric Sutherland (also referred to hear with 1st person pronouns) files this Motion for a Hearing of City of Fort Collins' Motion for Attorneys' Fees and Costs which was filed with this Court on September 26, 2018.

Certification of conference: The subject of a hearing on the City's Motion for Attorneys' Fees has been discussed with counsel for the City, John Mills, several times in the past. The City has never presented objection, but has also never stated non-opposition to this Motion.

I. HEARING REQUESTED AND REQUIRED

C.R.C.P. Rule 121 section 1-22(c) states:

(c) **Hearing: Determination of Motion.** Any party which may be affected by the motion for attorney fees may request a hearing within the time permitted to file a reply. Any request shall identify those issues which the party believes should be addressed at the hearing. When required to do so by law, the court shall grant a party's timely request for a hearing.

With this Motion to the Court, I hereby request a hearing within the time permitted for the City of Fort Collins to file its Reply. The issues that I believe should be addressed at the hearing are stated below. This Court is required by law to grant this timely request for a hearing. (When a party requests a hearing regarding the award of attorney fees and costs under this section, the trial court must conduct an evidentiary hearing. *Brown v. Silvern*, 141 P.3d 871 (Colo. App. 2005).)

II. ISSUES TO BE ADDRESSED AT HEARING

- 1) All factual matters pertaining to the failure of the City to demonstrate that my case was substantially frivolous.
- 2) All factual matters pertaining to the new theory of law I advanced to support my claim of standing in this matter; the Uniform Declaratory Judgment Act must be interpreted liberally to allow for judicial review of a request for declaratory judgment made in advance of time bar to future inquiry imposed by a non-claim statute so long as there is possibility of future injury regardless of how indirect that possibility may be at the time of filing.

- 3) All factual matters pertaining to the three questions of law submitted to this Court for determination in my *Motion for Determination of Matters of Law*.
- 4) All factual matters pertaining to the reasonableness of the City's request for Fees and Costs as presented in my AMENDED *Response to City of Fort Collins' Combined Motion for Attorneys Fees and Costs* filed with this Court on October 18th to include :

A. *This case does not represent "complex litigation" except for the fact that the City of Fort Collins disregarded its own laws.*

B. *All relevant legal issues were established and contested in advance of commencing this action.*

C. *Only two filings were made by the City and both contained substantial amounts of irrelevant legal argument.*

D. *It is axiomatic that 'experienced' attorneys do not take weeks to prepare two pleadings covering well understood legal principles. Length of time required to prepare pleadings is attributable exclusively to the necessity to defend a situation where the City violated its own laws.*

E. *City of Fort Collins has known since the beginning of this action that the SPSA was not duly applied.*

F. *City of Fort Collins has ignored the new theory of law advanced to support my claim of standing in this matter.*

WHEREFORE, Plaintiff requests that that this Court set a date for the requested hearing and conduct the requested hearing at that time.


Eric Sutherland

Dated October 18, 2018

I hereby certify that on this 18th Day of October, 2018, a true and correct copy of the foregoing *Plaintiff's Motion for a Hearing of Defendant City of Fort Collins' Combined Motion for Attorneys Fees and Costs* was filed with the Court along with a proposed Order. Also, a true and correct copy of the foregoing will be served via email to the following no later than October 18th, 2018.

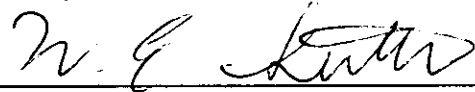
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By  _____