

<p>DISTRICT COURT, LARIMER COUNTY, COLORADO Court Address: 201 La Porte Avenue Fort Collins, CO 80521 Phone Number: (970) 494-3500</p>	<p>DATE FILED: March 19, 2019 3:33 PM FILING ID: F9E5EF2ABC95A 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>Attorneys for Defendant City of Fort Collins:</i> John W. Mill (#22348) Rosemary A. Loehr (#52559) Sherman & Howard L.L.C. 633 17th Street, Suite 3000 Denver, CO 80202 Phone Number: (303) 297-2900 Email: jmill@shermanhoward.com rloehr@shermanhoward.com</p> <p>Carrie M. Daggett, #23316 John R. Duval, #10185 Fort Collins City Attorney's Office 300 LaPorte Avenue Fort Collins, CO 80522-0580 970-221-6520 cddaggett@fcgov.com, jduval@fcgov.com</p>	<p>Case No.: 2018CV149</p> <p>Courtroom/Division: 5B</p>
<p>CITY OF FORT COLLINS'S NOTICE OF CORRECTION OF RECORD</p>	

NOTICE IS HEREBY GIVEN that the City of Fort Collins (“the City”) submits a correction to the record in the above-captioned matter. On March 15, 2019, the City participated in a hearing in front of Judge Lammons. The purpose of the hearing was to elicit testimony and provide evidence on the City’s Combined Motion for Attorneys’ Fees and Costs.

During that hearing, the City called Mr. Michael Beckstead to testify. During Plaintiff’s cross examination of Mr. Beckstead, Plaintiff asked Mr. Beckstead if he, Mr. Beckstead, knew about Plaintiff’s complaint at the time the City issued its broadband revenue bonds. Mr. Beckstead responded that he was unaware of Plaintiff’s complaint at that time. After his testimony, Mr. Beckstead gave additional thought to his responses and recalled that he did in fact know of Plaintiff’s complaint at the time the City issued its broadband revenue bonds. Attached hereto is **Exhibit A**, an affidavit from Mr. Beckstead, correcting his testimony and explaining that his mistake was inadvertent.

The City believes that the timing of when Mr. Beckstead knew of Plaintiff’s complaint is irrelevant and immaterial to the issues before the Court. The purpose of the hearing was to provide evidence and testimony on the frivolous nature of Plaintiff’s claims against the City and the reasonableness of the City’s incurred fees and costs. The extent to which the City or its employees knew about Plaintiff’s complaint prior to issuing broadband bonds has no bearing on whether Plaintiff’s claims are frivolous.

Nevertheless, the City and Mr. Beckstead want to correct Mr. Beckstead’s testimony to ensure a complete and accurate record for the benefit of all parties and the Court. And so, the City submits this Notice to correct the record.

Dated this 19th day of March, 2019.

SHERMAN & HOWARD L.L.C.

s/ Rosemary A. Loehr
Rosemary A. Loehr (#52559)
John W. Mill (#22348)
Sherman & Howard L.L.C.
633 Seventeenth Street, Suite 3000
Denver, Colorado 80202
(303) 297-2900
rloehr@shermanhoward.com
jmill@shermanhoward.com

CERTIFICATE OF SERVICE

I certify that on the 19th day of March, 2019, a true and correct copy of the foregoing **CITY OF FORT COLLINS'S NOTICE OF CORRECTION OF RECORD** was filed via Colorado Court's E-Filing system, and was served on the following:

Eric Sutherland, *pro se*
3520 Golden Currant Boulevard
Fort Collins, CO 80521
(*By email and US Mail*)

Eric R. Burris, Esq.
Cole J. Woodward, Esq.
Brownstein Hyatt Farber Schreck, LLP
410 Seventeenth Street, Suite 2200
Denver, CO 80202
(*By Colorado Court's E-Filing*)

/s/ Patricia A. Rendoff
Patricia A. Rendoff, Legal Secretary