

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 18-cv-02867-MSK-NYW

FORT COLLINS MENNONITE FELLOWSHIP, a Colorado nonprofit corporation, and
STEVE RAMER,
Plaintiffs,

v.

THE CITY OF FORT COLLINS, a home rule municipality,
THE CITY OF FORT COLLINS CITY COUNCIL, and
LAURIE DAVIS,
ROBERT DAVIS,
MARY RAY,
H. STUART MACMILLAN,
HOLLY JOHNSON,
LAURA PETRICK,
DAVE PETRICK,
KATHERINE ACOTT,
WALTER HICKMAN,
PATRICIA DIEHL,
LISA EATON,
FERAH AZIZ,
TARA MCCORMAC,
JENNIFER PETRIK,
PAMELA REFREM,
NICK MATTHEWS,
DENNIS BOOKSTABER,
BELL GOULD LINDER & SCOTT, P.C.
TOM HALL, and
STEVE ACKERMAN, in their individual capacities.
Defendants.

**STATUS REPORT AND PARTIALLY STIPULATED
MOTION TO STAY PROCEEDINGS**

Plaintiffs Fort Collins Mennonite Fellowship (the “**Fellowship**”), and Steve Ramer (“**Ramer**” and collectively with the Fellowship, “**Plaintiffs**”), and Defendants The City of Fort Collins (the “**City**”), and The City of Fort Collins City Council (“**City Council**” and collectively with the City, the “**City Defendants**”), each by and through their respective undersigned counsel,

submit the following status report and hereby move to vacate the scheduling conference scheduled for February 19, 2019, and additionally move to stay all proceedings in this action through and including March 15, 2019, for reasons set forth herein.¹ The stay would also affect the deadline to submit a Proposed Scheduling Order due on or before February 12, 2019. As grounds for this motion, Plaintiffs and the City Defendants state as follows:

1. Certificate of Conferral. Undersigned counsel for Plaintiffs and the City Defendants have not conferred with the individually named Defendants (collectively, “Individual Defendants”), which are parties hereto pursuant to Colo. R. Civ. P. 106(a)(4), regarding the relief requested herein, because no counsel representing any Individual Defendant has entered an appearance in this case. Undersigned counsel was thus unable to confer with the Individual Defendants.

2. On November 6, 2018, Plaintiffs filed their Complaint and request for Declaratory and Injunctive Relief (the “**Complaint**”).

3. Pursuant to the Complaint, the City Defendants are defendants as to all claims in the Complaint, while the Individual Defendants are defendants solely as to Plaintiffs’ claim pursuant to Colo. R. Civ. P. 106(a)(4). Because Individual Defendants brought the underlying appeal to City Council, applicable Colorado case law suggests that they must be joined in this action as it relates to Plaintiffs’ claim pursuant to Colo. R. Civ. P. 106(a)(4).

4. On December 28, 2019, Plaintiffs filed a Partially Unopposed Motion to Stay Proceedings on the grounds that Plaintiffs and Defendants were actively engaged in settlement

¹ The parties acknowledge that Civ. Practice Standard 16.6(a)(1) cautions against requests to vacate hearings, trials and pretrial deadlines for settlement discussions. However, given that no defendant has filed a responsive pleading in this case, and given the nature of the claims and settlement negotiations, the parties hereto believe that good cause exists to file this motion, and to seek the relief requested herein.

negotiations and that service of process had not yet been completed upon all Defendants. The Court granted that motion in part on January 2, 2019.

5. In its Order granting Plaintiffs initial Motion to Stay, the Court reset the Scheduling Conference for February 19, 2019, and set the deadline for submitting a Proposed Scheduling Order on February 12, 2019.

6. While service has been completed as to all Defendants, except for one Individual Defendant, none of the Defendants has yet filed a responsive pleading.

7. Plaintiffs and the City Defendants remain actively engaged in settlement discussions that, if successful, will result in dismissal of all claims against all Defendants.

8. A stay of this action, including vacation of the February 19, 2019 Scheduling/Planning Conference, and the February 12, 2019 deadline for the Proposed Scheduling Order will allow settlement discussions to continue, offer the Defendants the opportunity to file responsive pleadings in the event settlement discussions do not resolve this case, promote judicial economy, and protect the Court and parties from expending time and monetary resources that may prove unnecessary.

9. This Court has the authority and broad discretion to stay these proceedings. *Landis v. N. Am. Co.*, 299 U.S. 248, 254 (1936); *see also Clinton v. Jones*, 520 U.S. 681, 706 (1997) (“The District Court has broad discretion to stay proceedings as an incident to its power to control its own docket.”).

10. For all the reasons stated above, Plaintiffs and the City Defendants believe that good cause exists, and respectfully request that the Court enter an order (a) vacating the February 19, 2019 Status Conference; (b) staying all proceedings in this action up to and including

March 15, 2019; and (c) resetting deadlines for the Scheduling/Planning Conference, and the Proposed Scheduling Order to dates after March 15, 2019 that are convenient for the Court.

WHEREFORE, the parties hereto respectfully request that the Court enter an order vacating the February 19, 2019 Status Conference; staying all proceedings in this action up to and including March 15, 2019; and resetting the Scheduling/Planning Conference and associated deadline for the filing the Proposed Scheduling Order accordingly.

Respectfully submitted this 11th day of February, 2019.

/s/Brian J. Connolly

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COUNCIL

CERTIFICATE OF SERVICE

I hereby certify that on this 11th day of February, 2019, a true and correct copy of the foregoing **STATUS REPORT AND PARTIALLY STIPULATED MOTION TO STAY PROCEEDINGS** was electronically filed with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following email addresses:

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/s/ Margo Brown

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