

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 1:18-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.

**STIPULATION FOR DISMISSAL OF DEFENDANT BELL GOULD LINDER &
SCOTT, P.C. PURSUANT TO FED. R. CIV. P. RULE 41**

Plaintiffs Fort Collins Mennonite Fellowship, a Colorado nonprofit corporation (the
“**Fellowship**”), and Steve Ramer (“**Ramer**” and collectively with the Fellowship, “**Plaintiffs**”),

Defendants The City of Fort Collins and The City of Fort Collins City Council (the “**City Defendants**”), each by and through their undersigned counsel, and Defendant Bell Gould Linder & Scott, P.C. (“**BGLS**”), hereby submit this Stipulation for Dismissal Pursuant to Fed. R. Civ. P. Rule 41, as follows:

1. Plaintiffs filed their Complaint and Request for Declaratory Judgment and Injunctive Relief in this case on November 6, 2018 (the “**Complaint**”). The Complaint seeks, among other things, certiorari review pursuant to Colo. R. Civ. P. Rule 106(a)(4) (“**Rule 106(a)(4)**”).

2. BGLS is a business which operates in the vicinity of the Fellowship’s property at issue in this case.

3. Following the Fort Collins Planning and Zoning Board’s (the “**PZB**”) approval of the Fellowship’s Minor Amendment Application at issue in this case, a group of individuals joined in an Appeal of that approval (the “**Appeal**”) to the Fort Collins City Council (“**City Council**”).

4. When Plaintiffs filed the Complaint, Plaintiffs believed that BGLS was an appellant in relation to the Fellowship’s application underlying this case. As such, Plaintiffs joined BGLS as a “party-in-interest” to the Appeal.

5. After conferring with Plaintiffs, BGLS has now represented that it was mistakenly named in this action.

6. BGLS stipulates that it did not join in the Appeal, that it is not a party-in-interest for the purposes of the Appeal, and thus, is not a proper party in this litigation.

7. Undersigned counsel for The City of Fort Collins and The City of Fort Collins City Council (the “**City Defendants**”) stipulates that, based on BGLS’s representations, BGLS is not a proper party in this litigation.

8. Based on BGLS’s representation that it was mistakenly named in this action, and based on the City Defendants stipulation that Defendant is not a proper party, Plaintiff agrees to dismiss with prejudice its claim under Colo. R. Civ. P. 106(a)(4) against BGLS.

9. BGLS is not a party to any other claim in this action.

WHEREFORE, pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii), Plaintiffs, City Defendants, and BGLS hereby stipulate that BGLS is dismissed from this case with prejudice, with each party to pays its own attorneys’ fees and costs.

Respectfully submitted this 11th day of February, 2019.

/s/David A. Brewster

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DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that on this 11th day of February, 2019, a true and correct copy of the foregoing **STIPULATION FOR DISMISSAL OF DEFENDANT BELL GOULD LINDER & SCOTT, P.C. PURSUANT TO FED. R. CIV. P. RULE 41** 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

Margo Brown