

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,
TOM HALL, and
STEVE ACKERMAN, in their individual capacities.

Defendants.

**STIPULATION FOR DISMISSAL OF DEFENDANT LISA EATON 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 Lisa Eaton (“**Eaton**”), 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. Eaton is a resident of Fort Collins who owns real property or resides 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 Eaton was an appellant in relation to the Fellowship’s application underlying this case. As such, Plaintiffs joined Eaton as a “party-in-interest” to the Appeal.

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

6. Eaton stipulates that she did not join in the Appeal, that she 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 Eaton’s representations, Eaton is not a proper party in this litigation.

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

9. Eaton 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 Eaton hereby stipulate that Eaton is dismissed from this case with prejudice, with each party to pays its own attorneys’ fees and costs.

Respectfully submitted this ^{19th} day of February, 2019.

/s/David A. Brewster

Thomas Macdonald

Brian J. Connolly

David A. Brewster

Andrew L.W. Peters

Otten, Johnson, Robinson, Neff

& Ragonetti, P.C.

950 Seventeenth Street, Suite 1600

Denver, Colorado 80202

Telephone: 303 825 8400

Facsimile: 303 825 6525

E-mail: mac@ottenjohnson.com

E-mail: bconnolly@ottenjohnson.com

E-mail: dbrewster@ottenjohnson.com

E-mail: apeters@ottenjohnson.com

Attorneys for Plaintiffs FORT COLLINS
MENNONITE FELLOWSHIP and STEVE
RAMER

/s/ Andrew Ringel

Andrew D. Ringel
Hall & Evans, L.L.C.
1001 Seventeenth Street, Suite 300
Denver, CO 80202
ringela@hallevans.com

Attorney for Defendants THE CITY OF FORT
COLLINS, a home rule municipality, and THE
CITY OF FORT COLLINS CITY COUNCIL

/s/ Lisa Eaton

Lisa Eaton
320 E. Mulberry St.
Fort Collins, CO 80524
E-mail: notael02@gmail.com

DEFENDANT