

<p>8th DISTRICT COURT LARIMER COUNTY JUSTICE CENTER Court Address: 201 Laporte Avenue Fort Collins, CO 80521 Phone (970) 494-3500</p>	<p>DATE FILED: April 16, 2019 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 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 style="text-align: center;">▲ COURT USE ONLY ▲</p>
<p>Party without attorney: Eric Sutherland, pro se 3520 Golden Currant Boulevard Fort Collins, CO 80521 Phone Number: (970) 224 4509 E-mail: sutherix@yahoo.com</p>	<p>Case #: 2018CV149 Division: 3C</p>
<p>PROPOSED ORDER: MOTION FOR AMENDMENT OF JUDGMENT GRANTING CITY OF FORT COLLINS' MOTION FOR ATTORNEYS' FEES AND BILL OF COSTS PURSUANT TO C.R.C.P. RULE 59</p>	

This matter comes before this court on Plaintiff's motion for amendment of this court's judgment Granting an award of fees and costs to Defendant City of Fort Collins.

Upon consideration of the motion and the response from the City of Fort Collins, this court hereby FINDS and ORDERS as follows:

- 1) Plaintiff Eric Sutherland sufficiently articulated a novel theory of law that informed his decision to file a claim for declaratory judgment against Defendant City of Fort Collins. In the face of a nonclaim statute, C.R.S. §11-57-212, Mr. Sutherland reasonably believed that his right to petition government for redress of grievances superceded any doctrine of law holding that direct and palpable injury must be suffered prior to requesting relief in the form of a declaration of his rights under the Fort Collins City Charter.
- 2) That part of this court's April 2, 2019 *Order* awarding attorneys fees is amended to remove any award of sanctions for attorneys fees. This court's award of costs is undisturbed by this ruling.

_____ Dated _____
District Court Judge