

FILED IN COMBINED COURTS  
LARIMER COUNTY COLORADO

2019 MAY - 1 PM 4:16  
DATE FILED: May 1, 2019  
CASE NUMBER: 2018CV220

DISTRICT COURT  
Larimer County, Colorado  
201 LaPorte Avenue  
Fort Collins, Colorado 80521

**PLAINTIFF:** Stacy Lynne

v.

**DEFENDANTS:**

Noah Beals, Senior Planner, City of Fort Collins:  
in his individual and official capacity

Jeremy Call, Senior Associate – Logan Simpson  
Design, Contractor for the City of Fort Collins:  
in his individual and official capacity

▲ COURT USE ONLY ▲

Stacy Lynne  
305 West Magnolia Street #282  
Fort Collins, Colorado 80521  
970-402-1582  
stacy\_lynne@comcast.net

Case Number:  
18CV220

Division:  
3C

Courtroom:  
Jouard

**PLAINTIFF'S OBJECTION TO AWARD OF ATTORNEY FEES**

Plaintiff Stacy Lynne timely files this OBJECTION to award of attorney fees per the Court's ORDER dated April 3, 2019: within 14 days after Defendant filed the request on April 18, 2019.

Plaintiff agrees with the Court that attorney fees are statutorily recoverable when a case is dismissed under C.R.C.P. 12(b).

Plaintiff's objection to the award of attorney fees is based on the specific allegations that are contained in PLAINTIFF'S MOTION FOR POST-TRIAL RELIEF PER COLORADO RULES OF CIVIL PROCEDURE (C.R.C.P.) 59 (filed April 22, 2019).

Additionally, this Court took 120 days (December 4, 2018 to April 3, 2019) to dismiss this case. The Court alleges that Plaintiff did not plead actual malice and that Plaintiff allegedly did not prove immunity waiver. Under those pretenses, it probably would have been more judicially efficient to dismiss the case as soon as the Court read the Complaint. This is why: nothing changed in those 120 days. If Plaintiff actually failed to plead actual malice and immunity waiver, then there was no reason for this case to go on for four months. If the Court would have dismissed the claim posthaste, the attorney fees that were racked up by the Defendant would be nearly non-existent.

Importantly, if Plaintiff actually failed to properly plead in the Complaint, then, in the interest of justice, Plaintiff supposes that Noah Beals' co-defendant – Jeremy Call – would have preferred to enjoy the same advantage: to have the case dismissed before he settled with Stacy Lynne. Exhibit 1 (attached) is the public portion of the otherwise confidential amicable settlement between Defendant Jeremy Call and Plaintiff Stacy Lynne. Jeremy Call was sued in the same capacity as Noah Beals...in his individual and official capacity. How can it be fair that only Defendant Noah Beals benefitted from this Court's slow ruling and that Defendant Jeremy Call was excluded from such protections?

Plaintiff Stacy Lynne maintains that she sufficiently pled actual malice and willful and wanton immunity waiver. Plaintiff relies not on her own understanding of the applicable statutes and law. She relies on the wisdom and experience of other officers of the court. She relies on the pattern jury instructions for defamation in Colorado. Plaintiff Stacy Lynne will continue to

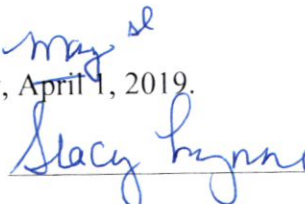
pursue justice in this case so that she can be productively employed when her reputation and character are restored through fair and just resolution.

And so, Plaintiff Stacy Lynne requests that the Court:

1. Delay any final ruling on the award of attorney fees until after the ruling on Plaintiff's Motion for Post-trial Relief (C.R.C.P. 59), and,
2. Delay any award of attorney fees until after Plaintiff has exhausted her legal remedies at the local level, and,
3. Delay any award of attorney fees pending outcome of any appeal in the higher courts, if an appeal becomes necessary, and,
4. Subtract all attorney fees that accrued after Defendant Beals filed his motion to dismiss on January 14, 2019:
  - a. The Court based the order to dismiss on the Complaint that was filed on December 4, 2018
  - b. Nothing changed in the Complaint (on which the Court based the decision to dismiss) during the 120 days between when Plaintiff filed the case and when the Court dismissed the case

ATTACHMENT: Exhibit 1

Respectfully filed on Wednesday, <sup>May 22</sup> April 1, 2019.

  
\_\_\_\_\_

Stacy Lynne

---

**CERTIFICATE OF SERVICE**

I certify that on Wednesday, May 1, 2019, a true and accurate copy of the foregoing **PLAINTIFF'S OBJECTION TO AWARD OF ATTORNEY FEES** was filed with the clerk and served via USPS to:

Kimberly Schutt  
Wick & Trautwein, LLC  
PO Box 2166  
Fort Collins, Colorado 80522

  
Stacy Lynne