

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 16-cv-01308-RBJ-KLM

FREE THE NIPPLE – FORT COLLINS,
BRITTIANY HOAGLAND,
SAMANTHA SIX,

Plaintiffs,

v.

CITY OF FORT COLLINS, COLORADO,

Defendant.

DEFENDANT’S STIPULATION FOR ENTRY OF PERMANENT INJUNCTION

Defendant City of Fort Collins, Colorado, by and through its counsel, Andrew D. Ringel, Esq., Gillian Dale, Esq. and Christina S. Gunn, Esq. of Hall & Evans, L.L.C., and Carrie M. Daggett, Esq. and John R. Duval, Esq., Fort Collins City Attorney’s Office, hereby respectfully submit this Stipulation for Entry of Permanent Injunction, as follows:

1. On February 22, 2017, this Court entered an Order granting Plaintiffs’ Motion for Preliminary Injunction enjoining the City of Fort Collins from enforcing § 17-142(b) of the Fort Collins Municipal Code or Ordinance No. 134 to the extent that it prohibits women, but not men, from knowingly exposing their breasts in public. [ECF 53, at 12].

2. Defendant filed a Notice of Appeal of this Court’s Order on March 21, 2017. [ECF 54]. On February 15, 2019, the United States Court of Appeals for the Tenth Circuit affirmed this Court’s Order. [ECF 61-1].

3. Defendant City of Fort Collins, Colorado, pursuant to Fed. R. Civ. P. 65(a)(2) and Fed. R. Civ. P. 65(d), hereby stipulates to the entry of a permanent injunction on the terms of this Court's February 22, 2017, Order. Defendant respectfully requests this Court enter an Order consisting with this Stipulation and this Court's February 22, 2017, Order entering a permanent injunction enjoining the City of Fort Collins from enforcing § 17-142(b) of the Fort Collins Municipal Code or Ordinance No. 134 to the extent that it prohibits women, but not men, from knowingly exposing their breasts in public.

4. Pursuant to D.C.Colo.LCiv.R 7.1(a), prior to filing this Stipulation with this Court, the undersigned counsel provided it for review and approval by counsel for the Plaintiffs, David A. Lane, Esq. Mr. Lane reviewed and approved this Stipulation.

WHEREFORE, Defendant City of Fort Collins, Colorado, hereby respectfully submits the foregoing Stipulation for Entry of Permanent Injunction.

Dated this 23rd day of July, 2019.

Respectfully submitted,

/s/ Andrew D. Ringel

Andrew D. Ringel, Esq.

Gillian Dale, Esq.

Christina S. Gunn, Esq.

HALL & EVANS, L.L.C.

1001 Seventeenth Street, Suite 300

Denver, CO 80202-2052

Phone: 303-628-3300

Fax: 303-628-3368

ringela@hallevans.com

daleg@hallevans.com

gunnc@hallevans.com

and

Carrie M. Daggett, Esq.

John R. Duval, Esq.

Fort Collins City Attorney's Office

300 LaPorte Avenue

Fort Collins, CO 80521

Phone: 970-221-6520

Fax: 970-221-6327

cdaggett@fcgov.com

jduval@fcgov.com

**ATTORNEYS FOR DEFENDANT CITY OF
FORT COLLINS, COLORADO**

CERTIFICATE OF SERVICE (CM/ECF)

I HEREBY CERTIFY that on the 23rd day of July, 2019, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following e-mail addresses:

David A. Lane, Esq.
dlane@kln-law.com

Andy McNulty, Esq.
amcnulty@kln-law.com

Jessica K. Peck, Esq.
jessica@jpdenver.com

/s/ Nicole Marion, Legal Assistant
Hall & Evans, L.L.C.