

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 1:18-cv-03204-RBJ-NRN

LORI FRANK,

Plaintiff,

v.

CITY OF FORT COLLINS, a municipality; and
JEROME SCHIAGER, former Deputy Chief of Police, in his individual capacity,

Defendants.

**DEFENDANT CITY OF FORT COLLINS' STATEMENT REGARDING LEVEL 3
RESTRICTED SUBMISSION**

Defendant City of Fort Collins, by and through its attorneys Cathy Havener Greer, and Kathryn A. Starnella, of Wells, Anderson & Race, LLC and Jenny Lopez Filkins, Senior Assistant Attorney, City of Fort Collins, submits the following statement regarding its accompanying Level 3 Restricted Submission. The City submits the attached documents under Level 3 restriction pursuant to the Court's Order, Doc. # 54 at 2.

NATURE OF DOCUMENTS SUBMITTED

The City submits under Level 3 restriction documents Bates labeled FC-SEP16ORDER 000408-000535.¹ On October 11, 2019, the City produced these documents to Plaintiff as part of a larger production in responses to Hon. R. Brooke Jackson's September 16, 2019, Order, Doc. #

¹ While the Court's order directed submission of documents starting at FC-SEP16 ORDER 00413, the City is submitting a few additional pages to provide full context.

45. While Judge Jackson’s Order directed production of documents in “unredacted form,” the Order also limited production to certain categories of investigations.² Accordingly, the City produced these documents with redactions to exclude information that fell outside these categories.

The attached documents are portions of investigative files and primarily consist of witness statements. The attached documents show redactions marked but not applied so that the Court can read the text that was redacted from the produced documents. The redacted text consists of complaints of discrimination on bases other than gender discrimination that were not sustained by outside investigators; complaints of retaliation unrelated to gender; and a variety of criticisms, disagreements, and conflicts among employees in the workplace.

Because the redacted text falls outside Judge Jackson’s September 16, 2019, Order, the City maintains that the redactions comply with the Court’s Order.

² The six categories are: (1) any document that contains an allegation against the City regarding gender discrimination or gender-related retaliation whether sustained or not; (2) any complaint of discrimination on bases other than gender discrimination if sustained; (3) documents regarding any complaint about any type of discrimination deemed unfounded if the decision was made internally and not by outside investigators; (4) any complaint versus Defendant Schiager except complaints regarding an alleged extramarital affair or against his wife; (5) any investigation involving any complaint of discrimination or retaliation against any person listed in Defendants’ initial disclosures; and (6) investigation of Kelly French’s complaints, which were disclosed but not produced due to a confidentiality provision in the City’s settlement agreement with a non-party.

Dated this 8th day of November 2019.

Respectfully submitted,

S/ Kathryn A. Starnella

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on November 8, 2019, a true and correct copy of the above and foregoing **DEFENDANT CITY OF FORT COLLINS' STATEMENT REGARDING LEVEL 3 RESTRICTED SUBMISSION** 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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