Loehr, Rosemary Ann

Subject: FW: Sutherland v. Ft. Collins, et. al. - Second Set of Knoll and Coldiron Subpoenas - Conferral

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From: Eric Sutherland [mailto:sutherix@yahoo.com]
Sent: Thursday, March 14, 2019 7:07 PM
To: Loehr, Rosemary Ann <RLoehr@shermanhoward.com>
Subject: Re: Sutherland v. Ft. Collins, et. al. - Second Set of Knoll and Coldiron Subpoenas - Conferral

As I mentioned before .... there is no point to quashing the subpoenas. The materials that were listed for production do not exist. That is the whole point.

No one applied any part of the SPSA including -110. John Mill has been arguing in bad faith. Now you get to join him in that activity.

The court apparently struck the motion for determination of quesions of law without realizing that the questons asked were applicable to the motion for fees.

I looked and could find no citation of law that held that a Rule 56(h) motion could not be asked to resolve questioins associated with a motion for fees or other motions separate from determination of the merits. Nothing in the rule or anything else indicates that Rule 56(h) motions are limited to resolving issues associated with the merits of the case.

Everything about the entire enterprise board provisions of charter and code contemplate the equivalent of council putting on a funny hat in order to differentiate authorizing debt that is not subject to TABORs voter approval provisions. Period.

Outside a properly noticed, duly convened council meeting, members of council wield no more governmental authority than you or I.

EXHIBIT
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