

Loehr, Rosemary Ann

From: Eric Sutherland <sutherix@yahoo.com>
Sent: Tuesday, May 07, 2019 10:19 PM
To: Loehr, Rosemary Ann
Cc: Mill, John W.; Carrie Daggett; John Duval
Subject: Re: Filed today in 2018CV149
Attachments: 2019-05-07 Ft Collins Resp to Pltfs Mtn to Withdraw Pltfs Rule 59 Mtn (50027886v1).PDF

DATE FILED: December 6, 2019 4:56 PM
FILING ID: D7672ED5BB10B
CASE NUMBER: 2018CV149

Ms. Loehr,

Please see my Response to the City's Motion to Dismiss. My theory of law regarding a petitioner's standing to bring a declaratory judgment action when faced with a non-claim statute was clearly articulated in that Response. pages 5-10. There was no need to articulate this theory of law in the complaint. Stating the theory when I stated it was the first and best time to do so.

You are apparently unschooled in law and the procedural history of this case. You have just wasted more money that is coming out of the pockets of my neighbors and friends.

As I have written before, I have since found authority from another jurisdiction that props up my theory of law completely. Remarkably, the reasoning of the court in that case is nearly identical to the reasoning I presented. Alternatively, I have not found any authority where a court has denied standing to a petitioner in the face of the nonclaim statute. Even if an authority contravening my theory of law existed, you could not raise an argument on appeal that you did not raise in the trial court.

Thank heavens for the First Amendment. It will survive your ignorance and willingness to argue that citizens have no right to petition.

Eric Sutherland

On Tuesday, May 7, 2019, 5:54:34 PM CDT, Loehr, Rosemary Ann <RLoehr@shermanhoward.com> wrote:

Mr. Sutherland:

Please find attached the City's response to your Motion to Withdraw the Rule 59 Motion. You will also receive a copy via U.S. mail.

Thanks,

Rosemary

EXHIBIT
T

Rosemary A. Loehr - Associate

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From: Eric Sutherland [mailto:sutherix@yahoo.com]

Sent: Monday, May 06, 2019 6:35 PM

To: Loehr, Rosemary Ann <RLoehr@shermanhoward.com>; Cole J. Woodward <cwoodward@bhfs.com>; Eric R. Burris <eburris@bhfs.com>; Mill, John W. <JMILL@shermanhoward.com>; Carrie Daggett <cdaggett@fcgov.com>; John Duval <jduval@fcgov.com>; Robert G. Rogers <rrogers@wbapc.com>; Casey K. Lekahal <clekahal@wbapc.com>; George Hass <hassgh@co.larimer.co.us>; Jeannine Haag <haagjs@co.larimer.co.us>; David Ayraud <dayraud@larimer.org>; Frank Haug <haugfn@co.larimer.co.us>

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All parties should have recieved a copy of the Second Notice of Appeal and Orders appealed. An electronic copy of the Second Notice of Appeal is attached.

No party has preserved any argument to refute the basis for my claim to standing. On the one hand, this was effective in getting Judge Lammons to disregard my arguments and authority. On the other hand, this is going to be a rather lobsided appeal.

Eric