

Colorado Court of Appeals 2 East 14th Avenue Denver, CO 80203	DATE FILED: January 17, 2020 CASE NUMBER: 2018CV149
Larimer County 2018CV149	
Plaintiff-Appellant: Eric Sutherland, v. Defendants-Appellees: City of Fort Collins, a home rule municipality in the State of Colorado; Steve Miller, Larimer County Assessor; Irene Josey, Larimer County Treasurer; Timnath Development Authority, Urban Renewal Authority; and Compass Mortgage Corporation, an Alabama company doing business in Colorado.	Court of Appeals Case Number: 2019CA800
ORDER OF THE COURT	

To: All Parties

Upon consideration of appellant's December 13, 2019 motion for reconsideration of this Court's order of November 8, 2019 or in the alternative for an extension of time to obtain C.R.C.P. 54(b) certification, and appellees' response thereto, the Court DENIES the motion. On November 8, 2019, this Court deferred further ruling on its August 28, 2019, Order to Show Cause, and ordered appellant to provide either an order dismissing the asserted counterclaims with prejudice or an order certified the court's ruling as a final, appealable order under C.R.C.P. 54(b) within 35 days of the order. *See B.C. Investment Co. v. Thom*, 650 P.2d

1333,1335 (Colo. App. 1982) (dismissal without prejudice is generally not a final and appealable order except where the circumstances of a case indicate that it cannot be saved). In their response to appellant's motion for reconsideration, appellees state that they conveyed to appellant that they had no objection to appellant obtaining C.R.C.P. 54(b) certification. However, appellant did not do so. Instead of obtaining and providing either a final order or an order for C.R.C.P. 54(b) certification within 35 days of this Court's November 8, 2019 order, appellant filed the subject motion for reconsideration or for an extension of time to obtain C.R.C.P. 54(b) certification. Based upon this history, the court determines that appellant has not complied with this Court's order of November 8, 2019.

IT IS THEREFORE ORDERED that the appeal is DISMISSED without prejudice.

BY THE COURT

Román, J.
Welling, J.
Brown, J.

Copies to: Counsel of Record
Clerk of the District Court