

LARIMER COUNTY DISTRICT COURT 201 LAPORTE AVENUE, SUITE 100 FORT COLLINS, COLORADO 80521	DATE FILED: December 18, 2019 9:51 AM FILING ID: BDCE7AB0442BC CASE NUMBER: 2019CV30889
Appeal from the Fort Collins Municipal Court The Honorable Judge Kathleen M. Lane Case No. 2018-0240752-MD	
Defendant-Appellant:  ADAM WIEMOLD  v.  Plaintiff-Appellee:  PEOPLE OF THE STATE OF COLORADO	COURT USE ONLY
Adam Frank FRANK AND SALAHUDDIN LLC 1741 High Street, Denver, CO 80218 adam@fas-law.com Phone: 303-974-1084 Fax: 303-974-1085 Attorney Registration Number: 38979 In cooperation with the ACLU of Colorado	Case Number: 2019CV30889
<b>RESPONSE TO ORDER TO SHOW CAUSE</b>	

Mr. Wiemold, through counsel, hereby shows cause why his appeal should not be dismissed:

1. Mr. Wiemold paid the advance costs of preparing the transcripts and the additional record on October 7, 2019.

Date	Account Number	Serial Number	Amount
10/24/2019	██████████	██████████	\$335.00



- Mr. Wiemold has also been in contact with the court reporter who is responsible for preparing the transcripts necessary for this appeal. First, on November 18, 2019, Mr. Wiemold learned that the court reporter needed two additional weeks to complete the transcript.

**From:** [no\\_reply@fcgov.com](mailto:no_reply@fcgov.com)  
**To:** [Adam Frank](#)  
**Subject:** 2018-0240752-MD- Wiemold, Adam Case Update  
**Date:** Monday, November 18, 2019 1:28:38 PM

---

Good afternoon,

Because of the length of this case and her workload, Tracy McBride from Blue Bird Transcripts is requesting additional time to properly complete this transcript. She is requesting an additional couple of weeks. Judge Lane is inclined to grant her request. If you have any objections, please file a motion by noon on Wednesday, November 20th. Thank you.

Best Regards,

Patty Netherton  
Court Administrator

- Then, on December 11, 2019, Mr. Wiemold learned that the court reporter was almost finished preparing the necessary transcripts but had suffered a death in her family as well as other issues that would delay the completion of the transcripts.

**Patty Netherton**

---

**From:** Tracy McBride Lapp <[bluebirdtranscripts@gmail.com](mailto:bluebirdtranscripts@gmail.com)>  
**Sent:** Wednesday, December 11, 2019 5:36 AM  
**To:** Patty Netherton  
**Subject:** Re: Appeal

Patty - we had a death in my family and my daughter in-law's mother committed suicide on Monday. I am so sorry, but I have not finished proofreading the transcript. I am out the rest of the week. I will finish it this weekend. I apologize. Thank you for understanding

Tracy

On Mon, Dec 9, 2019, 10:00 AM Patty Netherton <[PNetherton@fcgov.com](mailto:PNetherton@fcgov.com)> wrote:

Awesome! Thanks!

Patty

**From:** Tracy McBride Lapp <[bluebirdtranscripts@gmail.com](mailto:bluebirdtranscripts@gmail.com)>  
**Sent:** Monday, December 09, 2019 9:02 AM  
**To:** Patty Netherton <[PNetherton@fcgov.com](mailto:PNetherton@fcgov.com)>  
**Subject:** Re: Appeal

Hi Patty. I am proofreading, so should have it to you by the middle of the week. Thank you!

Regards,

4. In sum, Mr. Wiemold has fulfilled the statutory requirements that were the subject of this Court's show cause order and has diligently stayed on top of the preparation of the record. The delay in preparing the record so that the appeal can move forward is not due to any fault of Mr. Wiemold's. He asks that this Court find that he has shown cause as to why this Court should not dismiss his pending appeal for failure to prosecute.

Dated: December 18, 2019



---

Adam Frank, #38979

FRANK & SALAHUDDIN LLC

In Cooperation with the ACLU of Colorado

## Certificate of Service

I hereby certify that on December 18, 2019, I served a true and correct copy of the foregoing electronically via the CCE e-filing system upon the trial court, as well as the following individuals, either directly through CCE or via email:

Jill Heuser  
For Collins City Attorney  
[jhueser@fcgov.com](mailto:jhueser@fcgov.com)

Fort Collins Municipal Court Clerk  
[court@fcgov.com](mailto:court@fcgov.com)



---

Adam Frank  
FRANK AND SALAHUDDIN LLC  
*Attorney for Defendant-Appellant*