

DISTRICT COURT, LARIMER (FT COLLINS) COUNTY, COLORADO		DATE FILED: May 26, 2020 7:59 AM CASE NUMBER: 2020CV115
Court Address: 201 LAPORTE AVENUE, SUITE 100, FORT COLLINS, CO, 80521		
STACY LYNNE v. NOAH BEALS et al.		<p style="text-align: center;">△ COURT USE ONLY △</p> <p>Case Number: 2020CV115 Division: 3B Courtroom:</p>
Order Granting Defendant City of Fort Collins' Motion to Dismiss Plaintiff's Amended Complaint or in the Alternative, for an Enlargement of Time to File an Answer		

Defendant City of Fort Collins ("Fort Collins") moves to dismiss under Colo. R. Civ. P. 12(b)(1) and (b)(5) the Amended Complaint filed by Stacy Lynne. Under Colo. R. Civ. P. 121, 1-15(1)(b), Lynne had 21 days to file a response to the motion, but she failed to do so. Accordingly, the Court deems the motion to be confessed.

Fort Collins' motion is granted. The Amended Complaint alleges no claim against Fort Collins and for that reason alone dismissal is appropriate. Further, under the Colorado Governmental Immunity Act ("CGIA"), a public entity such as Fort Collins is immune from liability for any claim arising in tort other than those claims set forth in C.R.S. 24-10-106. To the extent the slander and libel claims could be asserted against Fort Collins, the CGIA bars them. Claims for libel and slander are not included in any of the enumerated exceptions to sovereign immunity. Accordingly, the Court lacks subject-matter jurisdiction over those claims.

Lastly, and in the alternative, to the extent Lynne has asserted libel and slander claims against Fort Collins, those claims are dismissed for the reasons articulated in the Court's Order Granting Defendant Beals' Motion To Dismiss Amended Complaint.

In sum, the motion is granted and Fort Collins is dismissed as a party. Given that the Court previously dismissed the claims against Beals, this action is dismissed and the Clerk is directed to enter judgment accordingly. Defendants may file their requests for costs or attorney's fees within the prescribed time.

Issue Date: 5/26/2020



JUAN GONZALO VILLASEÑOR
District Court Judge