

DISTRICT COURT, LARIMER COUNTY, COLORADO 201 LAPORTE AVE, SUITE 100 FT. COLLINS, CO 80521 970-494-3500	DATE FILED: April 15, 2021 6:00 PM FILING ID: E831369967F5D CASE NUMBER: 2021CV30210
<p><b>Plaintiffs:</b>          RE DENVER and COLORADO FLOORING INDUSTRIES,          Inc. as tenants in common, and OSF INVESTMENTS, LLC          d/b/a Carpet Exchange, a Washington Limited Liability          Company</p> <p>v.</p> <p><b>Defendants:</b>          CITY OF FORT COLLINS, a home rule city, and CITY OF          FORT COLLINS PLANNING AND ZONING BOARD,          STAN SCOTT, and GUARDIAN STORAGE FORT          COLLINS, LLC dba GUARDIAN SELF STORAGE</p>	<p style="text-align: center;"><b>▲ COURT USE ONLY ▲</b></p>
	Case Number: 2021CV030210  Div.: 5B
<b>ORDER RE: CITY OF FORT COLLINS MOTION TO DISMISS</b>	

THIS MATTER, having come before the Court on Defendant City’s Motion to Dismiss, and the Court having reviewed all responses and replies and being fully advised;

HEREBY ORDERS dismissal of Plaintiffs’ Complaint in its entirety without prejudice and finds that it is not ripe for adjudication and the Complaint fails to state a claim for relief because there is no final decision from the City Council. The Court further finds that Plaintiffs have failed to exhaust their administrative under the City’s appeal process.

DATED THIS \_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
 District Court Judge