

District Court, Larimer County, State of Colorado 201 LaPorte Avenue, Suite 100 Fort Collins, CO 80521-2761 (970) 494-3500	DATE FILED: December 18, 2020 11:28 AM CASE NUMBER: 2020CV30833
THE CITY OF FORT COLLINS, COLORADO, a Colorado home rule city and municipal corporation, Plaintiff, v. PLANNING ACTION TO TRANSFORM HUGHES STADIUM SUSTAINABLY CORP., a Colorado nonprofit corporation; and ELENA M. LOPEZ; MELISSA ROSAS; and PAUL PATTERSON, each in their official capacity as a petition representative of the persons signing the petition for a citizen-initiated ordinance relating to the City of Fort Collins rezoning and acquiring certain real property, Defendants.	<p style="text-align: center;">▲ COURT USE ONLY ▲</p> <hr/> Case No.: 2020 CV 30833 Courtroom: 3B
“AT ISSUE” ORDER PURSUANT TO COLO. R. CIV. P. 16	

Exercising its discretion, the Court declares the case to be at issue as of the date of this order, and further **orders discovery to commence immediately.**

The Court orders the parties to comply with the Courtroom 3B Procedures available at: https://www.courts.state.co.us/Courts/District/Local_Resources.cfm?District_ID=8. Please pay close attention to the Court’s procedures regarding motions practice and discovery disputes.

Counsel and any parties who are self-represented must meaningfully confer as contemplated by Colo. R. Civ. Pl. 16(b)(3) within 14 days. The Responsible Attorney must contact the Court's Division Clerk, Jessica Wichman, at (970) 494-3610 within 14 days from the date of this order to schedule the case management conference. The Court holds case management conferences Tuesdays and Fridays at 9:00 a.m. If you have any questions, please contact the Court's Division Clerk, Jessica Wichman, at the above number.

The Responsible Attorney must schedule the case management conference to take place within 35 and 49 days from the date of this order. The parties may appear by telephone at the case management conference. **Should the parties agree a case management conferences is not necessary or a discovery schedule, they shall notify the Court.**

Further, please include information regarding any parties in interest who have limited English proficiency so that advanced arrangements for interpretation can be made for court proceedings. Please include the party's primary spoken language, including origin of the language (i.e. region of the world) in order to better identify the dialect of language.

A proposed case management order is due no later than 42 days from the date of this order or at least 7 days prior to the conference. **Please use Form JDF 622. Please use actual calendar dates for deadlines as the Court will not generally set trial at the conference.**

Regarding ¶ 6 of JDF 622, the Parties **must** address: 1) the importance of the issues at stake; 2) the amount in controversy; 3) the parties' relative access to relevant information; 4) the parties' resources; 5) the importance of the discovery in resolving the issues; and 6) whether the burden or expense of the proposed discovery outweighs the benefit. See Colo. R. Civ. P. 16(b)(6), and 26(b)(1).

Regarding ¶ 7 of JDF 622, the Parties **must** address: 1) that settlement was discussed; 2) the prospects for settlement; and 3) list a proposed deadline for mediation or other alternative dispute resolution.

For most case types, the Court does not set a trial date until after alternative dispute resolution has been completed. The parties may request that ADR be waived or that the case be set for trial prior to ADR because of the specific needs of their case; however, good cause must be shown for the request.

Regarding ¶ 14 of JDF 622: **The Court does not accept written discovery motions.** The parties must comply with the Court's discovery dispute procedures located on the Court's website.

At any time during the pendency of the case, any party may request additional case management conferences including brief telephonic conferences if needed.

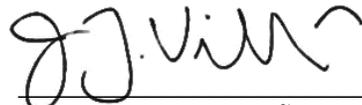
Please note the 2015 Comment to Colo. R. Civ. P. 12: “The practice of pleading every affirmative defense listed in Rule 8(c), irrespective of a factual basis for the defense, is improper under [Colo. R. Civ. P.] 11(a). . . .” To the extent that Colo. R. Civ. P. 12 was not followed in this case, any affirmative defenses must be re-pled with factual basis.

Regarding motions practice, parties must comply with the requirements set forth in Colo. R. Civ. P. 121, § 1-15, together with the requirements set forth in the Court's procedures located on the Court's website.

If the parties settle the case after trial has been set, the Court will not vacate the trial until the parties have filed a stipulation to dismiss the case with prejudice. Parties must seek a Court order to modify any deadline or order. A stipulation is not binding on the Court.

SO ORDERED on this 18th day of December, 2020.

BY THE COURT:



JUAN G. VILLASEÑOR
District Court Judge