

# CITY COUNCIL COMMUNICATION FORM

**FROM:** Dan Foote  
**THROUGH:** N/A  
**DATE:** October 9, 2018  
**ITEM:** City Attorney Report: Quarterly Report on Litigation and Administrative Matters.

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DIRECTION  
 INFORMATION  
 ORDINANCE  
 MOTION  
 RESOLUTION  
 PROCLAMATION

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## **I. REQUEST/ISSUE & BACKGROUND INFORMATION:**

### **Pending Litigation Matters**

#### Ryan Fisher v. City of Steamboat Springs

**CLAIM:** This matter is a Rule 106 challenge to the City Council's decision on April 17, 2018 to deny a land use application that would have permitted Rocky Mountain Remedies to relocate its marijuana business to 410 S. Lincoln Ave. Mr. Fisher filed his complaint in Routt District Court on May 11, 2018.

**STATUS:** The City Attorney's office moved to dismiss on grounds that the district court lacks jurisdiction over the subject matter of the complaint. The motion to dismiss is fully briefed and the parties are awaiting the Court's ruling.

#### Sieverding v. City of Steamboat Springs (2016 Case)

**CLAIM:** Ms. Sieverding on October 21, 2016 filed claims in Routt County District Court against the City that relate to requests for the release or modification of

certain records. The City filed a motion to dismiss and a motion for an order prohibiting Ms. Sieverding from filing lawsuits in state court in this district until and unless she obtains an attorney ("Motion for Filing Restrictions").

STATUS: Ms. Sieverding moved to dismiss her claims on October 10, 2017. The Court granted the motion on September 9, 2018. The City has requested that the Court nevertheless grant the City's Motion for Filing Restrictions. This request is pending.

The defense of Ms. Sieverding's claims to date has been handled by Steve Dawes, a Denver attorney appointed by the City's insurance pool, pursuant to a \$10,000 insurance line applicable to Rule106 actions. That portion of the case handled by Mr. Dawes was resolved by the Court's September 9, 2018 order. The City's insurance pool paid all of Mr. Dawes' fees.

The City Attorney's office is handling the Motion for Filing Restrictions

#### Sieverding v. City of Steamboat Springs (2017 Case)

CLAIM: This claim was commenced by the City pursuant to the Colorado Open Records Act ("CORA"). The City was seeking an order finding that responding to Ms. Sieverding's CORA requests would do substantial injury to the public interest and that the City may deny such requests on that basis.

STATUS: Ms. Sieverding filed a motion to dismiss dated June 22, 2017. On July 14, 2017, Ms. Sieverding withdrew the motion to dismiss and instead filed an answer and six counterclaims for money damages. Ms. Sieverding subsequently moved to dismiss these counterclaims on October 10, 2017. The Court granted this motion on September 9, 2018. Ms. Sieverding appears to have abandoned the CORA requests that were the basis for the City's claims and the City has agreed to drop these claims.

#### **Pending administrative matters.**

None.

#### **Resolved Administrative Matters**

##### City of Steamboat Springs v. 7th St. Liquor

This item related to a sale to a minor on April 11, 2018 that came to the attention of the licensing authority after a traffic stop. The licensee admitted the violation and paid a fine in lieu of a two day suspension. This matter was handled by the City's Staff Attorney and is resolved.

**II. SUMMARY AND ALTERNATIVES:**

N/A

**III. STAFF RECOMMENDATION:**

N/A

**IV. FISCAL IMPACT:**

N/A

**V. LEGAL ISSUES:**

N/A

**VI. CONFLICTS OR ENVIRONMENTAL ISSUES:**

N/A

**VII. CONSISTENCY WITH COUNCIL GOALS AND POLICIES:**

N/A

**ATTACHMENTS:**

None.