



**EIGHTH JUDICIAL DISTRICT COURT,
STATE OF COLORADO**

Court Address:
Larimer County Justice Center
201 Laporte Avenue
Fort Collins, Colorado 80521
Telephone: 970-494-3500

▲ COURT USE ONLY ▲

Contestor: Larry Sarner,

v.

Contestee: City of Loveland;

Indispensable Party: Angela Myers, Clerk and
Recorder of Larimer County;

Contestor without attorney:

Larry Sarner, *pro se*
711 West Ninth Street
Loveland, Colorado 80521
Telephone: 970-667-7313
larry.sarner@gmail.com

Case Number:

16 CV 230

Courtroom: **5C**

**MOTION TO AWARD COSTS TO CONTESTOR
AND RETURN OF BOND SUBSTITUTE**

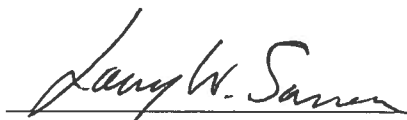
Comes now the Contestor, Larry Sarner, *pro se*, to move this Court to be awarded costs from the Contestee, City of Loveland, jointly and severally with its counsel, Thomas W. Snyder, and that the cash deposit made as a bond substitute be returned to me. In support thereof, the Contestor states as follows:

1. On September 7, 2016, this Court refused to take jurisdiction over this contest under the terms of CRS §1-11-203.5(1) and accordingly dismissed the contest and closed the case.

2. I have appealed the action of the court to the Supreme Court on September 27, 2016, as Case No. 2016SA261, with the expectation that the contest should be decided there.
3. Prior to dismissal, I had posted a bond substitute of \$50 cash and moved the Court to deem it sufficient to take jurisdiction over the contest.
4. In a previous order, upon which the eventual dismissal was based, the Court cited allegations by Contestee found in its Answer, Motion to Dismiss for lack of Subject Matter Jurisdiction, and Response to my Motion to Deem Bond Sufficient. Said allegations misled the Court to erroneously and damagingly finding that the sufficient amount of the bond required by statute in this case would be \$10,000.
5. The allegations, and the pleadings that arose from them, were entirely without merit and interposed solely for the purposes of delay and frustration of due process in resolving the underlying contest *in this Court*.
6. Meantime, the costs of vainly coming to this court under CRS §1-11-203.5 should not be borne by me because of the dilatory and frivolous actions of the Contestee.
7. The Contestee was aided and abetted by its counsel, Thomas W. Snyder, Esq., #33106, who knew or should have known that the proposed actions were without merit, and being interposed for improper purposes. As an officer of the court, Messr Snyder should have resisted the improper actions of his client or if failing in that resistance, should have withdrawn from representation. Having not done so, he should share in the culpability therefor.

Now, therefore, I request that the Court immediately grant this motion to return the cash bond substitute of \$50, and request that all other costs borne by me be awarded to me, and that the City of Loveland and Thomas W. Snyder, Esq., be jointly and severally liable therefore. A forthwith hearing is requested.

Respectfully submitted this 28th day of September, 2016.



Larry Sarner, Contestor

Certificate of Delivery

I hereby certify that I have, on September ²⁸~~1~~, 2016, delivered a true and correct copy of the foregoing, by the means indicated, to the following:

(by First Class Mail)

Thomas W. Snyder, #33106

Thomas A. Isler, #48472

Kutak Rock LLP

1801 California St. #3000

Denver, CO 80202

thomas.snyder@kutakrock.com

thomas.isler@kutakrock.com

(by First Class Mail)

Alicia R. Calderon, #32296

Assistant City Attorney

Civic Center

500 E. 3rd St. #330

Loveland, CO 80537

Alicia.calderon@cityofloveland.org

(by First Class Mail)

Jeannine S. Haag, #11995

William G. Ressieue, #34110

Larimer County Attorney's Office

224 Canyon Ave. #200

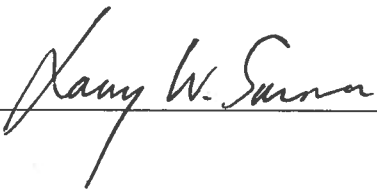
P.O. Box 1606

Fort Collins, Colorado 80522

jeanninehaag@larimer.org

wressue@larimer.org

Counsel for Respondent Larimer County Clerk



A handwritten signature in cursive script, reading "Nancy W. Suran", is written over a horizontal line.