

DISTRICT COURT, COUNTY OF LARIMER, STATE OF COLORADO Court Address: 201La Porte Ave, Suite 100 Ft. Collins, CO 80521	<p style="text-align: center;">COURT USE ONLY</p>
Plaintiff: BUCK 2ND, LLLP, a Colorado limited liability partnership v. Defendant: CITY OF LOVELAND, COLORADO, a municipal corporation,	
Attorneys for Plaintiff: Erich L. Bethke, #17299 Charles E. Fuller, #43923 Senn Visciano Canges, P.C. 1700 Lincoln Street, #4500 Denver, CO 80203 303-298-1122 ebethke@sennlaw.com ; cfuller@sennlaw.com Attorneys for Defendant: Alicia R. Calderón, #32296 Laurie R. Stirman, #39393 Loveland City Attorney's Office 500 E. Third Street, Suite 300 Loveland, CO 80537 (970) 962-254 alicia.calderon@cityofloveland.org ; laurie.stirman@cityofloveland.org	Case Number: 2015CV30938 Division/Courtroom: 5B
<p style="text-align: center;"><u>STIPULATION OF DISMISSAL WITHOUT PREJUDICE</u> PURSUANT TO C.R.C.P. 41(a)(1)(B)</p>	

Plaintiff Buck 2nd, LLLP (“Buck 2nd”) and Defendant City of Loveland, Colorado (the “City”), by their respective undersigned counsel, respectfully submit this stipulation (“Stipulation”) of dismissal pursuant to C.R.C.P. 41(a)(1)(B), and request that the within action be dismissed *without prejudice*.

1. The parties have executed a settlement agreement that provides for a settlement plan that will, during a specified future period of time, resolve all matters pending in this lawsuit.

However and in the event the settlement plan is not fulfilled, Plaintiff reserves the right, among other things, to re-assert its present claims. In contemplation of fulfilling the terms of their settlement agreement and settlement plan, the parties now wish to dismiss the within action *without prejudice*.

2. Each party will bear its own costs and attorneys' fees.

3. Dismissal of the action *without prejudice* and pursuant to this Stipulation is appropriate under C.R.C.P. 41(a)(1)(B).

WHEREFORE, the Buck 2nd and the City respectfully stipulate to dismissal, *without prejudice*, of the within action.

A proposed form of Order is submitted herewith for the Court's approval.

Dated and respectfully submitted this 1st day of November, 2016.

SENN VISCIANO CANGES P.C.

LOVELAND CITY ATTORNEY'S OFFICE

s/ Erich L. Bethke

Erich L. Bethke, #17299
Charles E. Fuller, #43923

Counsel for Plaintiff

s/ Alicia R. Calderon

Alicia R. Calderón, #32296
Laurie R. Stirman, #39393

Counsel for Defendant

CERTIFICATE OF SERVICE

This will certify that on this 1st day of November, 2016, a true and correct copy of the foregoing was served via ICCES on the following:

Alicia R. Calderon, Esq.
Laurie R. Stirman, Esq.
Assistant City Attorneys
Loveland City Attorney's Office
500 E. Third Street, Suite 300
Loveland, CO 80537

**s/ Sherry J. Russom*

Sherry J. Russom

**In accordance with C.R.C.P. 121 § 1-26(7), a printed copy of this document with original signatures is being maintained by filing party and will be made available to inspection by other parties or the court upon request.*