

<p>DISTRICT COURT, COUNTY OF LARIMER, STATE OF COLORADO  Court Address: 201 La Porte Ave, Suite 100  Ft. Collins, CO 80521</p>	
<p>Plaintiff: BUCK 2ND, LLLP, a Colorado limited liability partnership  v.  Defendant: CITY OF LOVELAND, COLORADO, a municipal corporation,</p>	<b>COURT USE ONLY</b>
<p>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  <a href="mailto:ebethke@sennlaw.com">ebethke@sennlaw.com</a>; <a href="mailto:cfuller@sennlaw.com">cfuller@sennlaw.com</a></p>	<p>Case Number: 2015CV30938    Division/Courtroom: 5B</p>
<p>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  <a href="mailto:alicia.calderon@cityofloveland.org">alicia.calderon@cityofloveland.org</a>; <a href="mailto:laurie.stirman@cityofloveland.org">laurie.stirman@cityofloveland.org</a></p>	
<p><b><u>STIPULATION OF DISMISSAL WITHOUT PREJUDICE</u></b>  <b>PURSUANT TO C.R.C.P. 41(a)(1)(B)</b></p>	

Plaintiff Buck 2<sup>nd</sup>, LLLP (“Buck 2<sup>nd</sup>”) 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.*