

EIGHTH JUDICIAL DISTRICT COURT, STATE OF COLORADO Court Address: Larimer County Justice Center 201 Laporte Avenue Fort Collins, Colorado 80521 Telephone: 970-494-3500	
Contestor: Larry Sarner, v. Contestee: City of Loveland; <i>Contestor without attorney:</i> Larry Sarner, <i>pro se</i> 711 West Ninth Street Loveland, Colorado 80521 Telephone: 970-667-7313 larry.sarner@gmail.com	<p style="text-align: center;">▲ COURT USE ONLY ▲</p> Case Number: <p style="text-align: center;">16 CV 230</p> Courtroom: 5C
MOTION TO AWARD COSTS TO CONTESTOR	

Comes now the Contestor, Larry Sarner, *pro se*, to move this Court to be awarded costs from the Contestee, City of Loveland. 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.
2. In a previous order, upon which the aforementioned 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. By said allegations, the Contestee had suborned the Court to

erroneously and damagingly find that the sufficient amount of the bond required by statute in this case would be \$10,000.

3. The aforementioned allegations were without merit, 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*. I appealed the action of the Court to the Supreme Court on September 27, 2016, as Case No. 2016SA261, as an abuse of discretion by the judge.
4. On October 27, 2016, the Supreme Court found that the judge had indeed abused his discretion, reversed the order of dismissal, and remanded the case for further proceedings.
5. On November 3, 2016, a hearing was held by this Court, and the Contestee raised still another jurisdictional objection, this time about my lack of standing. The objection was raised in the Pre-Hearing Brief filed the day before, and was only cursorily argued during the hearing. The judge stated from the bench that he would take it under advisement. The Contestee and Contestee's counsel could have raised this objection during the initial proceedings.
6. On November 5, 2016, the Court once again dismissed this case, stating I lacked standing. The dismissal was entirely without statutory support, and I plan on appealing the latest dismissal to the Supreme Court.
7. The election I was contesting was duly held on November 8, 2016. (The issue failed with those who were allowed to vote thereon.)
8. The Contestee suborned the judge to frustrate due process in this case with its frivolous, serial jurisdictional objections. I prevailed with the first Appeal, though the matter was only heard a few days before the election was held, and some of the statutory relief originally requested in my Petition (e.g., changes in ballot language) was difficult or impossible to grant. Even then, the Contestee continued to suborn the judge on an insubstantial jurisdictional ground, interposing it solely for the purposes of further delay and frustration of due process in resolving the underlying contest *before* the election. There is a likelihood I can prevail on my intended appeal.
9. Meantime, the costs of vainly coming to this court under CRS §1-11-203.5, only to have due process frustrated in my case, should not be borne by me because of the dilatory and frivolous actions of the Contestee.

Now, therefore, I request that the Court grant a motion to award all other costs borne by me be awarded to me from the Contestee City of Loveland. A forthwith hearing is requested, in advance of which I will file a complete Bill of Costs with the Court, duly copied to the Contestee.

Respectfully submitted this 28th day of November, 2016.

Larry Sarner, Contestor

Certificate of Delivery

I hereby certify that I have, on November 28, 2016, delivered a true and correct copy of the foregoing by email, as authorized by the Court:

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