

<p>DISTRICT COURT, COUNTY OF LARIMER, STATE OF COLORADO  Court Address: 201 La Porte Ave, Suite 100  Ft. Collins, CO 80521</p>	
<p>GIULIANO &amp; FATHER CONSTRUCTION, INC., a Colorado corporation;    GIULIANO ADDITION, LLLP, a Colorado limited liability limited partnership    Plaintiffs,    v.    CITY OF LOVELAND, COLORADO, a municipal corporation,    Defendant.</p>	
<p>Attorneys for Plaintiffs  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>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) 962-2544  <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>COURT USE ONLY</b></p> <p>Case No.: 2016CV30358  Courtroom/Division: 3C</p>
<p><b>JOINT STATUS REPORT</b></p>	

Plaintiffs Giuliano & Father Construction, Inc. and Giuliano Addition, LLLP (the "Giuliano Plaintiffs") and Defendant City of Loveland, Colorado (the "City"), by their respective attorneys, respectfully submit this Joint Status Report.

1. On January 28, 2017, the Court issued an Order granting the parties' request for a forty-two day stay/extension of deadlines to aid the parties in pursuing settlement. The Order requires the parties to inform the Court of a final settlement or alternatively, file a Joint Status Report by March 16, 2017.

2. Since a large meeting with the parties, attorneys, and engineers on November 17, 2016, the parties have continued working to resolve the case. Engineers for both parties met at the pump station site December 6, 2016, January 6, 2017, and February 23, 2017. Engineers also met January 26, 2017 and February 2, 2017 in person at the Water and Power Department. Attorneys have had phone calls regularly as well.

3. The parties have continued to work diligently and cooperatively towards a settlement. The parties believe another forty-two day stay/extension would be beneficial. Generally, the parties are contemplating an agreement to dismiss the case without prejudice and to reserve or toll the issues in the case. The engineers have a general design for the pump station, and the development could proceed in phases to allow a regional pump station to be built, which would remove the need for the improvements to the Buck Pump Station. These are general concepts being discussed that the parties need to develop into a stipulation.

4. The parties each have a position with respect to how the case should proceed should the Court not grant a stay/extension. Plaintiff filed its Position Statement in January in which the Plaintiff seeks limited discovery. The City does not believe discovery is appropriate or necessary at this time. The City is filing a supplement to its Motion to Dismiss to preserve its rights and state its position, and the Giuliano Plaintiffs reserve their right to object to the same and/or file a response thereto. The Parties could continue litigating the case, but would prefer to expend efforts and resources primarily to resolve the case.

5. The parties respectfully request a forty-two day stay/extension of all deadlines to continue to allow efforts and resources to be directed at settlement. In the event the parties are not able to reach a settlement in this time period, then the Court should set a deadline for a response to the Supplement to the Motion to Dismiss, and any other dates the Court decides to set.

WHEREFORE, the parties respectfully request that a forty-two day stay/extension be granted, and in the alternative, a deadline for the response to supplement to the motion to dismiss be set, along with any other dates the Court deems necessary.

A proposed Order is attached.

Dated: March 16, 2017

SENN VISCIANO CANGES P.C.

CITY OF LOVELAND

s/ Erich L. Bethke

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

*Counsel for Plaintiff*

s/ Alicia R. Calderón

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

*Counsel for Defendant*

## **CERTIFICATE OF SERVICE**

This will certify that on this 16th day of March, 2017, a true and correct copy of the foregoing was served via Colorado Courts E-File 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.*