

DISTRICT COURT, LARIMER COUNTY, STATE OF COLORADO
201 LA PORTE AVENUE, SUITE 100
FORT COLLINS, CO 80521-2761
PHONE: (970) 494-3500

DATE FILED: June 29, 2018
CASE NUMBER: 2016CV30362

Plaintiff(s): LOVELAND EISENHOWER
INVESTMENTS, LLC, a California limited liability
company,

v.

Defendant(s): THE CITY OF LOVELAND, THE
GREELEY AND LOVELAND IRRIGATION
COMPANY, a Colorado non-profit corporation and
JOHN DOES 1 through 50

▲ FOR COURT USE ▲

Case No.: 2016CR30362

Courtroom: 4C

ORDER REGARDING BOTH DEFENDANTS' REQUEST FOR CLARIFICATION

This matter comes before the Court on Defendant The Greeley and Loveland Irrigation Company ("GLIC") for Motion for Clarification and Defendant City of Loveland's Motion Seeking Clarification and Ruling Regarding Motion for Summary Judgment on Plaintiff's Third and Fourth Claims for Relief. Court has considered both these motions, both responses filed by the Plaintiff and both replies filed by each Defendant and after being fully advised in the premises declines to make further ruling in this matter.

The Court has broad discretion when a matter is on interlocutory appeal to determine whether any additional matters should continue to be addressed by the Court or whether the Court will wait until the interlocutory appeal is complete. Parties cite to *Christel v. EB Eng'g Inc.* but in that case both the Plaintiff and the Defendant desired proceedings continue while the matter was on interlocutory appeal and the Court was clear regarding how particularized the facts in that matter were to support the case continuing in this fashion. *Christel v. EB Eng'g Inc.*, 116 P.3d, 1267 (Colo. App. 2005). Here that is not the case as the Plaintiff is opposed to continuing in this fashion. Moving additional claims forward for litigation will not advance the entire case and in the long run may cause more cost for parties who are litigating. In the interest of justice and to be mindful of the spirit of the rules of Civil Procedure being mindful of the implications of these orders on each party, the Court declines to have a hearing on this matter until the interlocutory appeal has been decided.

Dated: June 29, 2018.

BY THE COURT:


Susan Blanco
District Court Judge