

DISTRICT COURT, LARIMER COUNTY, COLORADO Court Address:  Jacki Marsh,  Plaintiff,  v.  John Fogle,  Shawn Adams,  Defendant.	<b>▲ COURT USE ONLY ▲</b>  Case Number: 2021CV Div.: Ctrm:
J. Andrew Nathan, Reg. No. 3295 Timothy R. Fiene. No. 41508 NATHAN DUMM & MAYER P.C. 7900 E. Union Avenue, Suite 600 Denver, CO 80237-2776 Phone Number: (303) 691-3737 Email: <i>ANathan@ndm-law.com</i> <i>TFiene@ndm-law.com</i>	
<b>AFFIDAVIT OF JOHN FOGLE</b>	

John Fogle, being first duly sworn, deposes and states as follows:

1. I have never been in Mayor Marsh's house, located at 1401 W 31<sup>st</sup> St, Loveland, Colorado. Photographs of the interior of her house were taken by a contractor and submitted to me out of concern that the Mayor was violating the City's building code and that the Mayor may have used her position to influence the Building Department of the City.

2. Any statements made by me about the Mayor were made in my position as a member of the Loveland City Council. In addition to the Mayor being a public figure, any statements about the Mayor's conduct regarding the Loveland building code would be matters of public interest.

3. Suggesting that citizens attend a City Council meeting to learn the truth, the only specific statement alleged and attributed to me, would be made in my role as a member of City Council. Suggesting citizens attend the meeting is appropriate, made in good faith and I believe protected by my First Amendment rights.

4. I have not posted statements on the Facebook site under any name as alleged, without any factual support, by the Plaintiff in her complaint.

5. I believe that the present lawsuit is intended to punish or retaliate against me based upon my exercise of free speech in connection with public issues.

Further, the affiant saith naught.



John Fogle

STATE OF COLORADO )  
COUNTY OF Larimer )ss.  
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Subscribed and sworn to before me on this 2nd day of September, 2021, by

WITNESS my hand and official seal.

My Commission expires; October 26, 2023

Edward  
Notary Public

EDWARD VAN NORMAN  
NOTARY PUBLIC  
STATE OF COLORADO  
NOTARY ID 20034030630  
MY COMMISSION EXPIRES OCTOBER 26, 2023