

DISTRICT COURT, LARIMER (FT COLLINS) COUNTY, COLORADO		<p>DATE FILED July 17, 2025 11:43 AM CASE NUMBER: 2025CV30255</p> <p>△ COURT USE ONLY △</p> <p>Case Number: 2025CV30255 Division: 4A Courtroom:</p>
Court Address: 201 LAPORTE AVENUE, SUITE 100, FORT COLLINS, CO, 80521		
Plaintiff(s) ESTES VALLEY VOICE PBC et al.		
v.		
Defendant(s) RACHEL RYAN		
<p align="center">Order Regarding Defendant's AMENDED Motion to Vacate Hearing, Withdrawal of Opposition and Stipulation to Entry of Judgement [sic]</p>		

This matter is before the Court on Defendant's AMENDED Motion to Vacate Hearing, Withdrawal of Opposition and Stipulation to Entry of Judgement [sic] ("Motion") filed May 20, 2025. Plaintiff responded ("Response") on May 20, 2025. Defendant replied on May 22, 2025. Plaintiff then filed a sur-reply ("Sur-Reply") on May 22, 2025.

The Parties appeared before the Court on June 6, 2025. At that appearance and in its Motion, the Defendant indicated that Defendant had provided Plaintiff with all requested relief in Plaintiff's Complaint and agreed to pay Plaintiff's reasonable attorney's fees and costs. Mot., 2. Defendant also requested to vacate the show cause hearing. *Id.* In response, Plaintiff argues the following: "[A]s a result of Defendant's withdrawal of her opposition to the relief requested by Plaintiffs' Application, this Court should forthwith enter an Order finding that Defendant's withholding of the LOI, on three separate occasions, was not proper and therefore was in violation of CORA. As a result of that conceded judgment, the Court should simultaneously enter an Order, pursuant to § 24-72-204(5)(b), C.R.S., commanding Defendant to pay all of the Plaintiffs' reasonable attorney's fees and costs incurred to this date, plus any additional fees and costs they may incur in collecting that judgment." Resp., 2. Plaintiff further agreed to vacate the show cause hearing. *Id.* at 1.

In its Reply, Defendant argues that it "did not 'concede judgment' to the effect that there were violations of CORA. Rather, out of a desire to conserve public funds, Defendant simply withdrew its opposition to the relief requested." Reply, 1.

Plaintiff argues that the Court is only permitted to award attorney's fees and costs per the statute if the Court finds that the documents were improperly withheld. Sur-Reply, 2.

The Court finds that any further disputes regarding this case are moot. Plaintiff's Complaint has been resolved given Plaintiff's receipt of the requested documents and Defendant's agreement to pay fees and costs. The Parties agreed to vacate the hearing, and Plaintiff is receiving all relief requested in its Complaint. The only benefit of Plaintiff's current request of finding the documents were "improperly withheld" per statute is an award of attorney's fees and costs, which Defendant has already agreed to pay. "A case is moot when a judgment, if rendered, would have no practical legal effect upon the existing controversy." *San Juan Hut Systems, Inc. v. Board of Cnty. Comm. of the Cnty. of Ouray*, 529 P.3d 143, 148 (Colo. App. 2023) (quoting *Van Schaak Holdings, Ltd. v. Fulenwider*, 798 P.2d 424, 426 (Colo. 1990)). No further relief from the Court is required and the Court declines to award further relief.

As such, the Court directs Plaintiff to file an Affidavit in support of its reasonable attorney's fees and costs. The Court will then issue an order and enter judgment based on what it determines is reasonable.

Issue Date: 7/17/2025



CARROLL MICHELLE BRINEGAR
District Court Judge