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| DISTRICT COURT, ARCHULETA COUNTY, COLORADO | |
| Court Address: 449 San Juan Street P.O. Box 148, Pagosa Springs, CO, 81147 | DATE FILED: October 17, 2017 4:01 PM |
| Plaintiff(s) PAT ALLEY et al. | |
| v. | |
| Defendant(s) ARCHULETA CO BOARD OF COUNTY COMMISSION et al. | |
| △ COURT USE ONLY △ | |
| Case Number: 2016CV4 | |
| Division: 1 | Courtroom: |
| Order Regarding Attorneys Fees | |

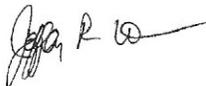
This case came before the Court after the Court found that the Defendant Archuleta County had made a prima facie showing that it was entitled to attorney's fees pursuant to CRS 13-17-102. At the hearing held on October 2, 2017, the County established that the amount of attorney's fees incurred were fair and reasonable, that the amount of time spent by the County's attorney on the case was justified by the amount of work that the attorney had to perform, and that the hourly rate charged by the County's attorney for the case was comparable to the amounts charged by other attorneys in the area and state for similar work.

In its order granting the County summary judgment, the Court found that because the plaintiffs were aware of the holding in *Dellinger v. Bd. of Cty. Comm'rs for Cty. of Teller*, 20 P.3d 1234, 1235 (Colo. App. 2000) and cited it in their motion to show cause that initiated this case, that the plaintiffs were aware that their effort to place the initiative they drafted on the ballot in Archuleta County lacked substantial justification. At the hearing, the plaintiffs were given the opportunity to present evidence to show that their filing of this action was not groundless, frivolous, or substantially vexatious. After hearing the evidence, the Court finds that the plaintiffs truly believed that *Dellinger* was improperly decided and that they had a constitutional right to have their initiative placed upon the Archuleta County ballot.

While the plaintiffs did believe that they had a constitutional right to place the initiative on the ballot, such belief is based upon a deeply flawed understanding of constitutional and statutory law, as well as a complete refusal to accept that their legal beliefs could be wrong. The plaintiffs also acted because they either will not or cannot accept that previous decisions made by appellate courts that do not conform to the plaintiffs' flawed beliefs are correct statements of the law. The Court finds the legal beliefs of the plaintiffs, while sincerely held, are unreasonable. The plaintiffs did not present any evidence that would overcome the prima facie showing that the County was entitled to attorney's fees.

The Court finds that each plaintiff who signed the motion to show cause to be responsible for the contents of the motion to show cause and to have knowledge of what is contained in the motion to show cause. The motion to show cause was clearly groundless. The Court orders that each of the plaintiffs, with the exception of Plaintiff Pat Alley, who did not sign the motion to show cause, shall be jointly and severally liable for the County's attorney's fees in the amount of \$18,565.50.

Issue Date: 10/17/2017



JEFFREY RAYMOND WILSON
District Court Judge