

DISTRICT COURT, DOUGLAS COUNTY, COLORADO Court Address: 4000 Justice Way, Suite 2009 Castle Rock, CO 80109 (720) 437-6200	DATE FILED: September 28, 2022 4:35 PM FILING ID: DE23EC9B51F3C CASE NUMBER: 2022CV30649
<p>Plaintiff: JAMES SANDERSON, a Colorado resident; THERESA SANDERSON, a Colorado resident; JENNIFER WAGESTER, a Colorado resident; TOM JOHANNNS, a Colorado resident; CONNIE JOHANNNS, a Colorado resident; DOUGLAS G WILSON JR., a Colorado resident; and CATHERINE WILSON, a Colorado resident,</p> <p>v.</p> <p>Defendants: BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, COLORADO; PAMELA SOLLY, a Colorado resident; and LOUIE MILLER, a Colorado resident.</p>	<p style="text-align: center;">☐COURT USE ONLY☐</p>
Attorneys Name and Address: Aaron W. Barrick, #27981 Lauren O. Patton, #50720 FOLKESTAD FAZEKAS BARRICK & PATOILE, P.C. Attorneys for Defendants Pamela Solly and Louie Miller 18 S. Wilcox Street, Suite 200 Castle Rock, CO 80104 (303) 688-3045 Barrick@ffcolorado.com Lpatton@ffcolorado.com	Case Number: 2022CV30649 Div.: 5
<p style="text-align: center;">DEFENDANTS' ANSWER TO COMPLAINT FOR JUDICIAL REVIEW PURSUANT TO C.R.C.P. 106(A)(4)</p>	

DEFENDANTS Pamela Solly and Louie Miller (hereafter “Defendant Applicants”), by and through their counsel, FOLKESTAD FAZEKAS BARRICK & PATOILE, P.C, hereby respectfully submit their Answer to Complaint for Judicial Review Pursuant to C.R.C.P. 106(A)(4), and in support thereof, state as follows:

RESPONSE TO PARTIES, JURISDICTION, AND VENUE

1. Defendant Applicants lack the sufficient knowledge or information to form a belief as to the truth or falsity of the allegations set forth in Paragraph 1 of the Complaint for Judicial Review Pursuant to C.R.C.P. 106(A)(4) (hereafter the “Complaint”). However, if a response is deemed necessary, upon information and belief, the allegations set forth in Paragraph 1 of the Complaint are true.

2. Defendant Applicants lack the sufficient knowledge or information to form a belief as to the truth or falsity of the allegations set forth in Paragraph 2 of the Complaint. However, if a response is deemed necessary, upon information and belief, the allegations set forth in Paragraph 2 of the Complaint are true.

3. Defendant Applicants lack the sufficient knowledge or information to form a belief as to the truth or falsity of the allegations set forth in Paragraph 3 of the Complaint. However, if a response is deemed necessary, upon information and belief, the allegations set forth in Paragraph 3 of the Complaint are true.

4. Defendant Applicants lack the sufficient knowledge or information to form a belief as to the truth or falsity of the allegations set forth in Paragraph 4 of the Complaint. However, if a response is deemed necessary, upon information and belief, the allegations set forth in Paragraph 4 of the Complaint are true.

5. Defendant Applicants lack the sufficient knowledge or information to form a belief as to the truth or falsity of the allegations set forth in Paragraph 5 of the Complaint. However, if a response is deemed necessary, upon information and belief, the allegations set forth in Paragraph 5 of the Complaint are true.

6. Defendant Applicants lack the sufficient knowledge or information to form a belief as to the truth or falsity of the allegations set forth in Paragraph 6 of the Complaint. However, if a response is deemed necessary, upon information and belief, the allegations set forth in Paragraph 6 of the Complaint are true.

7. Defendant Applicants lack the sufficient knowledge or information to form a belief as to the truth or falsity of the allegations set forth in Paragraph 7 of the Complaint. However, if a response is deemed necessary, upon information and belief, the allegations set forth in Paragraph 7 of the Complaint are true.

8. Defendant Applicants admit the allegations set forth in Paragraph 8 of the Complaint.

9. Defendant Applicants admit the allegations set forth in Paragraph 9 of the Complaint.

10. Defendant Applicants admit the allegations set forth in Paragraph 10 of the Complaint.

11. Defendant Applicants admit that they are the applicants on the use by special review application. Defendants deny the remaining allegations set forth in Paragraph 11 of the Complaint.

12. Defendant Applicants admit that this Court has jurisdiction over this matter.

13. Defendant Applicants admit the Board is a proper party to this action.

14. Defendant Applicants admit that venue is proper.

RESPONSE TO GENERAL ALLEGATIONS

15. Defendant Applicants admit the allegations set forth in Paragraph 15 of the Complaint.

16. Defendant Applicants admit the allegations set forth in Paragraph 16 of the Complaint.

17. Defendant Applicants admit the allegations set forth in Paragraph 17 of the Complaint.

18. In response to Paragraph 18 of the Complaint, Defendant Applicants admit they submitted an application for a Use by Special Review for an Event Center on a parcel of less than 80 acres zoned Agricultural One and deny any allegations inconsistent therewith.

19. In response to Paragraph 19 of the Complaint, the Application and the statements made in the Application speak for themselves. Accordingly, no response is necessary; however, if a response is deemed necessary, Defendant Applicants deny any allegations inconsistent or extrapolating beyond what is contained therein.

20. In response to Paragraph 20 of the Complaint, the Application and the statements made in the Application speak for themselves. Accordingly, no response is necessary; however, if a response is deemed necessary, Defendant Applicants deny any allegations inconsistent or extrapolating beyond what is contained therein.

21. Defendant Applicants deny the allegations set forth in Paragraph 21 of the Complaint.

22. Defendant Applicants admit the allegations set forth in Paragraph 22 of the Complaint.

23. Defendant Applicants admit the allegations set forth in Paragraph 23 of the

Complaint.

24. In response to Paragraph 24 of the Complaint, the details of the hearing testimony can be found in the transcript thereof and Defendant Applicants deny any allegations inconsistent or extrapolating beyond what is contained therein.

25. Defendant Applicants admit the allegations set forth in Paragraph 25 of the Complaint.

26. Defendant Applicants admit the allegations set forth in Paragraph 26 of the Complaint.

27. In response to Paragraph 27 of the Complaint, the details of the hearing testimony can be found in the transcript thereof and Defendant Applicants deny any allegations inconsistent or extrapolating beyond what is contained therein.

28. In response to Paragraph 28 of the Complaint, Defendant Applicants admit that the Board received a document opposed to the Application with multiple signatures but Defendant Applicants lack sufficient knowledge to admit or deny the rest of the allegations set forth in Paragraph 28 of the Complaint and therefore deny them.

29. Defendant Applicants admit the allegations set forth in Paragraph 29 of the Complaint.

30. Defendant Applicants admit the allegations set forth in Paragraph 30 of the Complaint.

31. In response to Paragraph 31 of the Complaint, sections of the Zoning Resolution speak for themselves, and Defendant Applicants deny any allegations inconsistent therewith.

32. Defendant Applicants deny the allegations set forth in Paragraph 32 of the Complaint.

33. Defendant Applicants deny the allegations set forth in Paragraph 33 of the Complaint.

34. In response to Paragraph 34 of the Complaint, sections of the Zoning Resolution speak for themselves, and Defendant Applicants deny any allegations inconsistent therewith.

35. In response to Paragraph 35 of the Complaint, sections of the Zoning Resolution speak for themselves, and Defendant Applicants deny any allegations inconsistent therewith.

36. In response to Paragraph 36 of the Complaint, sections of the Zoning Resolution speak for themselves, and Defendant Applicants deny any allegations inconsistent therewith.

37. In response to Paragraph 37 of the Complaint, sections of the Zoning Resolution speak for themselves, and Defendant Applicants deny any allegations inconsistent therewith.

38. Defendant Applicants admit that the Barn satisfies sections of the Zoning Resolution. Defendant Applicants deny the remaining allegations set forth in Paragraph 38 of the Complaint.

39. Defendant Applicants deny the allegations set forth in Paragraph 39 of the Complaint.

40. In response to Paragraph 40 of the Complaint, the Applicant speaks for itself, and Defendant Applicants deny any allegations inconsistent therewith.

41. Defendant Applicants deny the allegations set forth in Paragraph 41 of the Complaint.

42. Defendant Applicants deny the allegations set forth in Paragraph 42 of the Complaint.

43. Defendant Applicants deny the allegations set forth in Paragraph 43 of the Complaint.

44. In response to Paragraph 44 of the Complaint, sections of the Zoning Resolution speak for themselves, and Defendant Applicants deny any allegations inconsistent therewith.

45. In response to Paragraph 45 of the Complaint, sections of the Zoning Resolution speak for themselves, and Defendant Applicants deny any allegations inconsistent therewith.

46. Defendant Applicants deny the allegations set forth in Paragraph 46 of the Complaint.

47. Defendant Applicants deny the allegations set forth in Paragraph 47 of the Complaint.

48. In response to Paragraph 48 of the Complaint, sections of the Zoning Resolution speak for themselves, and Defendant Applicants deny any allegations inconsistent therewith.

49. Defendant Applicants deny the allegations set forth in Paragraph 49 of the Complaint.

50. Defendant Applicants deny the allegations set forth in Paragraph 50 of the Complaint.

51. Defendant Applicants deny the allegations set forth in Paragraph 51 of the Complaint.
52. Defendant Applicants deny the allegations set forth in Paragraph 52 of the Complaint.
53. Defendant Applicants deny the allegations set forth in Paragraph 53 of the Complaint.
54. Defendant Applicants deny the allegations set forth in Paragraph 54 of the Complaint.
55. Defendant Applicants deny the allegations set forth in Paragraph 55 of the Complaint.
56. In response to Paragraph 56 of the Complaint, sections of the Zoning Resolution speak for themselves, and Defendant Applicants deny any allegations inconsistent therewith.
57. Defendant Applicants deny the allegations set forth in Paragraph 57 of the Complaint.
58. Defendant Applicants deny the allegations set forth in Paragraph 58 of the Complaint.
59. Defendant Applicants deny the allegations set forth in Paragraph 59 of the Complaint.
60. Defendant Applicants deny the allegations set forth in Paragraph 60 of the Complaint.
61. Defendant Applicants deny the allegations set forth in Paragraph 61 of the Complaint.
62. Defendant Applicants deny the allegations set forth in Paragraph 62 of the Complaint.
63. Defendant Applicants deny the allegations set forth in Paragraph 63 of the Complaint.
64. Defendant Applicants deny the allegations set forth in Paragraph 64 of the Complaint.
65. Defendant Applicants admit the allegations set forth in Paragraph 65 of the Complaint.

66. Defendant Applicants deny the allegations set forth in Paragraph 66 of the Complaint.
67. Defendant Applicants deny the allegations set forth in Paragraph 67 of the Complaint.
68. Defendant Applicants deny the allegations set forth in Paragraph 68 of the Complaint.
69. Defendant Applicants deny the allegations set forth in Paragraph 69 of the Complaint.
70. Defendant Applicants deny the allegations set forth in Paragraph 70 of the Complaint.
71. Defendant Applicants deny the allegations set forth in Paragraph 71 of the Complaint.
72. Defendant Applicants deny the allegations set forth in Paragraph 72 of the Complaint.
73. Defendant Applicants deny the allegations set forth in Paragraph 73 of the Complaint.
74. Defendant Applicants deny the allegations set forth in Paragraph 74 of the Complaint.
75. Defendant Applicants deny the allegations set forth in Paragraph 75 of the Complaint.
76. Defendant Applicants deny the allegations set forth in Paragraph 76 of the Complaint.
77. Defendant Applicants deny the allegations set forth in Paragraph 77 of the Complaint.
78. Defendant Applicants deny the allegations set forth in Paragraph 78 of the Complaint.
79. Defendant Applicants deny the allegations set forth in Paragraph 79 of the Complaint.
80. The allegations set forth in Paragraph 80 of the Complaint are speculative and

therefore, Defendant Applicants deny the allegations set forth in Paragraph 80 of the Complaint.

81. Defendant Applicants deny the allegations set forth in Paragraph 81 of the Complaint.

82. Defendant Applicants deny the allegations set forth in Paragraph 82 of the Complaint.

83. Defendant Applicants deny the allegations set forth in Paragraph 83 of the Complaint.

84. Defendant Applicants deny the allegations set forth in Paragraph 84 of the Complaint.

85. Defendant Applicants deny the allegations set forth in Paragraph 85 of the Complaint.

86. Defendant Applicants deny the allegations set forth in Paragraph 86 of the Complaint.

87. Defendant Applicants deny the allegations set forth in Paragraph 87 of the Complaint.

88. Defendant Applicants deny the allegations set forth in Paragraph 88 of the Complaint.

89. Defendant Applicants deny the allegations set forth in Paragraph 89 of the Complaint.

90. Defendant Applicants deny the allegations set forth in Paragraph 90 of the Complaint.

91. Defendant Applicants deny the allegations set forth in Paragraph 91 of the Complaint.

92. Defendant Applicants deny the allegations set forth in Paragraph 92 of the Complaint.

93. Defendant Applicants deny the allegations set forth in Paragraph 93 of the Complaint.

94. Defendant Applicants deny the allegations set forth in Paragraph 94 of the Complaint.

95. Defendant Applicants deny the allegations set forth in Paragraph 95 of the Complaint.

96. In response to Paragraph 96 of the Complaint, Master Plan speaks for itself, and Defendant Applicants deny any allegations inconsistent therewith.

97. Defendant Applicants deny the allegations set forth in Paragraph 97 of the Complaint.

98. Defendant Applicants deny the allegations set forth in Paragraph 98 of the Complaint.

99. Defendant Applicants deny the allegations set forth in Paragraph 99 of the Complaint.

100. Defendant Applicants deny the allegations set forth in Paragraph 100 of the Complaint.

101. In response to Paragraph 101 of the Complaint, Master Plan speaks for itself, and Defendant Applicants deny any allegations inconsistent therewith.

102. Defendant Applicants deny the allegations set forth in Paragraph 102 of the Complaint.

103. In response to Paragraph 103 of the Complaint, Master Plan speaks for itself, and Defendant Applicants deny any allegations inconsistent therewith.

104. Defendant Applicants deny the allegations set forth in Paragraph 104 of the Complaint.

105. Defendant Applicants deny the allegations set forth in Paragraph 105 of the Complaint.

106. Defendant Applicants deny the allegations set forth in Paragraph 106 of the Complaint.

107. In response to Paragraph 107 of the Complaint, Master Plan speaks for itself, and Defendant Applicants deny any allegations inconsistent therewith.

108. Defendant Applicants deny the allegations set forth in Paragraph 108 of the Complaint.

109. Defendant Applicants deny the allegations set forth in Paragraph 109 of the Complaint.

110. Defendant Applicants deny the allegations set forth in Paragraph 110 of the Complaint.

111. Defendant Applicants deny the allegations set forth in Paragraph 111 of the Complaint.

112. Defendant Applicants deny the allegations set forth in Paragraph 112 of the Complaint.

113. Defendant Applicants deny the allegations set forth in Paragraph 113 of the Complaint.

114. Defendant Applicants lack the sufficient knowledge or information to form a belief as to the truth or falsity of the allegations set forth in Paragraph 114 of the Complaint. However, if a response is deemed necessary, Defendant Applicants deny the allegations set forth in Paragraph 114 of the Complaint.

115. Defendant Applicants lack the sufficient knowledge or information to form a belief as to the truth or falsity of the allegations set forth in Paragraph 115 of the Complaint. However, if a response is deemed necessary, Defendant Applicants deny the allegations set forth in Paragraph 115 of the Complaint.

116. Defendant Applicants deny the allegations set forth in Paragraph 116 of the Complaint.

117. Defendant Applicants deny the allegations set forth in Paragraph 117 of the Complaint.

118. Defendant Applicants deny the allegations set forth in Paragraph 118 of the Complaint.

119. Defendant Applicants deny the allegations set forth in Paragraph 119 of the Complaint.

120. Defendant Applicants deny the allegations set forth in Paragraph 120 of the Complaint.

121. Defendant Applicants deny the allegations set forth in Paragraph 121 of the Complaint.

122. Defendant Applicants deny the allegations set forth in Paragraph 122 of the Complaint.

123. Defendant Applicants deny the allegations set forth in Paragraph 123 of the Complaint.

124. Defendant Applicants lack the sufficient knowledge or information to form a belief as to the truth or falsity of the allegations set forth in Paragraph 124 of the Complaint. However, if a response is deemed necessary, Defendant Applicants deny the allegations set forth in Paragraph 124 of the Complaint.

125. Defendant Applicants lack the sufficient knowledge or information to form a belief as to the truth or falsity of the allegations set forth in Paragraph 125 of the Complaint. However, if a response is deemed necessary, Defendant Applicants deny the allegations set forth in Paragraph 125 of the Complaint.

126. Defendant Applicants lack the sufficient knowledge or information to form a belief as to the truth or falsity of the allegations set forth in Paragraph 126 of the Complaint. However, if a response is deemed necessary, Defendant Applicants deny the allegations set forth in Paragraph 126 of the Complaint.

127. Defendant Applicants deny the allegations set forth in Paragraph 127 of the Complaint.

128. Defendant Applicants admit the allegations set forth in Paragraph 128 of the Complaint.

129. Defendant Applicants deny the allegations set forth in Paragraph 129 of the Complaint.

130. Defendant Applicants deny the allegations set forth in Paragraph 130 of the Complaint.

131. Defendant Applicants deny the allegations set forth in Paragraph 131 of the Complaint.

132. Defendant Applicants deny the allegations set forth in Paragraph 132 of the Complaint.

133. Defendant Applicants deny the allegations set forth in Paragraph 133 of the Complaint.

134. Defendant Applicants deny the allegations set forth in Paragraph 134 of the Complaint.

135. Defendant Applicants deny the allegations set forth in Paragraph 135 of the Complaint.

136. Defendant Applicants deny the allegations set forth in Paragraph 136 of the Complaint.

137. Defendant Applicants deny the allegations set forth in Paragraph 137 of the Complaint.

138. Defendant Applicants deny the allegations set forth in Paragraph 138 of the Complaint.

139. Defendant Applicants deny the allegations set forth in Paragraph 139 of the Complaint.

140. Defendant Applicants deny the allegations set forth in Paragraph 140 of the Complaint.

141. Defendant Applicants deny the allegations set forth in Paragraph 141 of the Complaint.

142. Defendant Applicants deny the allegations set forth in Paragraph 142 of the Complaint.

143. Defendant Applicants deny the allegations set forth in Paragraph 143 of the Complaint.

144. Defendant Applicants lack the sufficient knowledge or information to form a belief as to the truth or falsity of the allegations set forth in Paragraph 144 of the Complaint. However, if a response is deemed necessary, Defendant Applicants deny the allegations set forth in Paragraph 144 of the Complaint.

145. Defendant Applicants lack the sufficient knowledge or information to form a belief as to the truth or falsity of the allegations set forth in Paragraph 145 of the Complaint. However, if a response is deemed necessary, Defendant Applicants deny the allegations set forth in Paragraph 145 of the Complaint.

146. Defendant Applicants lack the sufficient knowledge or information to form a belief as to the truth or falsity of the allegations set forth in Paragraph 146 of the Complaint. However, if a response is deemed necessary, Defendant Applicants deny the allegations set forth in Paragraph 146 of the Complaint.

147. Defendant Applicants lack the sufficient knowledge or information to form a belief as to the truth or falsity of the allegations set forth in Paragraph 147 of the Complaint. However, if a response is deemed necessary, Defendant Applicants deny the allegations set forth in Paragraph 147 of the Complaint.

148. Defendant Applicants lack the sufficient knowledge or information to form a belief as to the truth or falsity of the allegations set forth in Paragraph 148 of the Complaint. However, if a response is deemed necessary, Defendant Applicants deny the allegations set forth in Paragraph 148 of the Complaint.

149. Defendant Applicants lack the sufficient knowledge or information to form a belief as to the truth or falsity of the allegations set forth in Paragraph 149 of the Complaint. However, if a response is deemed necessary, Defendant Applicants deny the allegations set forth in Paragraph 149 of the Complaint.

150. Defendant Applicants lack the sufficient knowledge or information to form a belief as to the truth or falsity of the allegations set forth in Paragraph 150 of the Complaint. However, if a response is deemed necessary, Defendant Applicants deny the allegations set forth in Paragraph 150 of the Complaint.

151. Defendant Applicants lack the sufficient knowledge or information to form a belief as to the truth or falsity of the allegations set forth in Paragraph 151 of the Complaint. However, if a response is deemed necessary, Defendant Applicants deny the allegations set forth in Paragraph 151 of the Complaint.

RESPONSE TO FIRST CLAIM FOR RELIEF
(C.R.C.P. 106(a)(4))

152. Defendant Applicants incorporate all of their responses above, as if fully forth herein.

153. Defendant Applicants admit the allegations set forth in Paragraph 153 of the Complaint.

154. Defendant Applicants deny the allegations set forth in Paragraph 154 of the Complaint.

155. Defendant Applicants deny the allegations set forth in Paragraph 155 of the Complaint.

156. Defendant Applicants deny the allegations set forth in Paragraph 156 of the Complaint.

GENERAL RESPONSE TO ALL ALLEGATIONS

Defendant Applicants deny every allegation contained in the Complaint not expressly admitted herein.

AFFIRMATIVE DEFENSES

1. The Complaint fails to state a claim upon which relief can be granted.
2. Plaintiffs' claims are barred to the extent they attempt to raise issues outside of the record of the quasi-judicial hearings they are challenging herein pursuant to C.R.C.P. 106(a)(4)(I).
3. Plaintiffs' claims are barred based upon a failure to mitigate its damages.
4. Plaintiffs' damages, if any, are barred by their own actions.
5. Plaintiffs' claims, if any, may be barred or reduced by the doctrine of laches.
6. Plaintiffs' claims may be barred in part by the Rule of Necessity.
7. Plaintiffs' claims are frivolous, groundless and vexatious.
8. Plaintiffs' actions and claims are in bad faith.
9. Defendant Applicants reserve the right to include additional affirmative defenses as they become known.

WHEREFORE, Pamela Solly and Louie Miller respectfully request that judgment be entered in their favor and against Plaintiffs and for costs, fees, and for any other relief that the Court deems just and proper.

RESPECTFULLY SUBMITTED this 28th day of September, 2022.

**FOLKESTAD FAZEKAS BARRICK &
PATOILE, P.C.**

ORIGINAL SIGNATURE ON FILE IN THE
OFFICES OF FOLKESTAD FAZEKAS
BARRICK & PATOILE, P.C.

/s/ Lauren O. Patton

AARON W. BARRICK, #27981
LAUREN O. PATTON, #50720
Attorneys for Defendants Pamela Solly and
Louie Miller

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 28th day of September, 2022, I served via Colorado Courts E-Filing System, a true and correct copy of the foregoing **DEFENDANTS' ANSWER TO COMPLAINT FOR JUDICIAL REVIEW PURSUANT TO C.R.C.P. 106(A)(4)**, addressed as follows:

Jamie N. Cotter
Lauren A. Taylor
SPENCER FANE, LLP
1700 Lincoln Street, Suite 2000
Denver, CO 80203
Plaintiffs' Counsel
(Via CCE)

Christopher K. Pratt
Kelly Dunnaway
Office of the Douglas County Attorney
100 Third Street
Castle Rock, CO 80104
*Defendant Board of County Commissioner's
of Douglas County, Colorado Counsel*
(Via CCE)

Pamela Solly and Louie Miller
(Via Email)

/s/ Sharon J. Stowe, Paralegal