

District Court, Boulder County, Colorado
1777 6th St., Boulder, CO 80302

Plaintiffs:

PEOPLE OF THE STATE OF COLORADO *ex rel.*
CYNTHIA H. COFFMAN, in her official capacity as
Colorado Attorney General; and THE STATE OF
COLORADO,

and

Plaintiff Intervenors:

COLORADO OIL AND GAS ASSOCIATION;
AMERICAN PETROLEUM INSTITUTE

v.

Defendants:

COUNTY OF BOULDER, COLORADO; and THE
BOARD OF COUNTY COMMISSIONERS OF
BOULDER COUNTY.

Attorneys for Defendant:

David Hughes, Deputy County Attorney, #24425
Katherine A. Burke, Assistant County Attorney, #35716
Catherine Ruhland, Assistant County Attorney, #42426
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Case Number: 2017 CV 30151

Div.: 3

**UNOPPOSED MOTION TO DISMISS STATE OF COLORADO'S COMPLAINT FOR
DECLARATORY AND INJUNCTIVE RELIEF AND COGA/API'S JOINT
COMPLAINT**

Defendants, the County of Boulder, Colorado, and the Board of County Commissioners
of Boulder County (the "Board") (together "the County"), under C.R.C.P. 12(b)(1), request that

the Court dismiss the State of Colorado's Complaint for Declaratory and Injunctive Relief and the Colorado Oil and Colorado Oil and Gas Association and the American Petroleum Institute's ("COGA/API") Joint Complaint for lack of subject matter jurisdiction. In support, the County states as follows:

1. Under C.R.C.P. 121 § 1-15, counsel for the County conferred with counsel for the State and counsel for COGA/API. The State and COGA/API **do not** object to the requested relief.

2. In their complaints, the State and COGA/API request relief from a County moratorium on accepting applications oil and gas development in Boulder County. The moratorium expired by its own terms on May 1, 2017.

3. Because the moratorium has expired, the case is moot and the Court lacks subject matter jurisdiction.

WHEREFORE, the County requests that the Court enter an order dismissing this case without prejudice under C.R.C.P. 12(b)(1), with each party bearing its own costs and fees.

Respectfully submitted this 2nd day of May 2017.

BOULDER COUNTY ATTORNEY

By: *S/ David Hughes*

David Hughes, #24425

Deputy County Attorney

Katherine A. Burke, #35716

Assistant County Attorney

Catherine Ruhland, #42426

Assistant County Attorney

ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF SERVICE

I certify that on May 2, 2017, I electronically filed the foregoing **UNOPPOSED MOTION TO DISMISS STATE OF COLORADO'S COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF AND COGA/API'S JOINT COMPLAINT** via Colorado Courts E-Filing System, who will either serve the same via e-mail or United States mail to the following:

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S/ Kathy G. Nelson
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