

DISTRICT COURT, BOULDER COUNTY,
COLORADO

Boulder Justice Center
1777-6th Street
Boulder, CO 80302

Plaintiff: COLORADO OIL AND GAS
CONSERVATION COMMISSION

and

Plaintiff-Intervenor: COLORADO OIL AND GAS
ASSOCIATION

Defendant: CITY OF LONGMONT, COLORADO
and

Defendant-Intervenors: EARTHWORKS and
SIERRA CLUB

Eugene Mei, City Attorney
Daniel E. Kramer, Assistant City Attorney
City of Longmont
Civic Center Complex
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Longmont, CO 80501

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▲ COURT USE ONLY ▲

Case No.: 2012cv702

Division: 3

STIPULATED DISMISSAL OF ALL CLAIMS AND COVENANT NOT TO SUE

Plaintiff Colorado Oil and Gas Conservation Commission, Plaintiff-Intervenor Colorado Oil and Gas Association, Defendant City of Longmont and Defendant-Intervenors Earthworks and Sierra Club (individually a “Party” and collectively referred to herein as the “Parties”) stipulate to the dismissal of the above-captioned action (the “Lawsuit”) without prejudice pursuant to C.R.C.P. Rule 41(a)(1)(B) and 41(c), each Party to bear its own costs and attorney fees. The Parties advise the Court that all court costs have been paid.

All Parties stipulate and covenant, for themselves and assigns, in consideration of mutual obligations, never to reassert or institute any claim or counterclaim brought in this case in any future suit or action at law or in equity against any of the other Parties to this case.

This stipulation and covenant not to sue completely integrates all understandings between the Parties, and no other representations, express or implied, exist between the Parties.

All Parties warrant that they have taken all actions necessary or required by their own procedures, bylaws, or applicable law to authorize their respective signatories to sign this stipulation and covenant not to sue for them and to bind them to its terms.

Nothing in this stipulation and covenant not to sue shall be construed as an admission of any Party of any claim, counterclaim, or defense asserted by any Party in the Lawsuit.

This stipulation and covenant not to sue may be executed in counterparts and facsimile signatures are deemed as valid as originals.

DATED this 14th day of October, 2014.

Respectfully covenanted, submitted, and stipulated by the Parties and their attorneys respectively,

COLORADO OIL AND GAS CONSERVATION COMMISSION

By: M.K.


[Name] Mike King
[Title] Exec. Director Colorado Dept. of Natural Resources
Address 1313 Sherman, Denver CO 80203

State of Colorado)
) ss:
County of Denver)

The foregoing instrument was acknowledged before me this 8th day of October
_____, 2014 by Mike King
(Name of person acknowledged, i.e. signing agreement)

Witness my hand and official Seal.

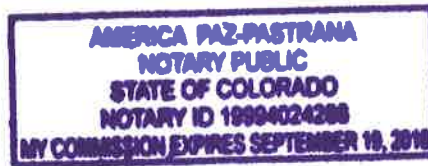
My Commission expires 9/19/18



Notary Public

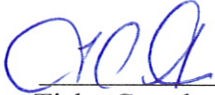
ATTORNEY GENERAL
John W. Suthers

By: JAKE MATTER
Jake Matter
Asst. Attorney General
1300 Broadway, 10th Fl.
Denver, CO 80203



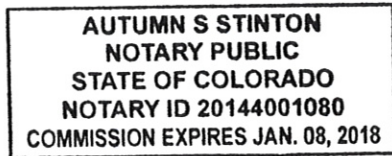
Attorneys for the Colorado Oil and Gas Conservation Commission

COLORADO OIL & GAS ASSOCIATION

By: 
Tisha Conoly Schuller
President and Chief Executive Officer
1800 Glenarm Place, Suite 1100
Denver, Colorado 80202

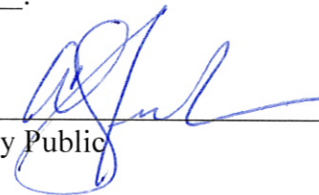
State of COLORADO)
) ss:
County of DENVER)

The foregoing instrument was acknowledged before me this 8 day of October, 2014 by Tisha Conoly Schuller.

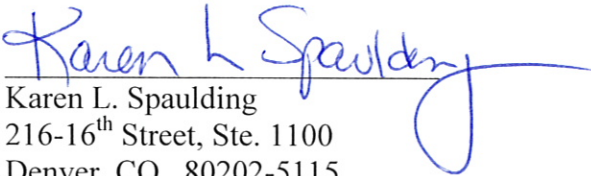


Witness my hand and official Seal.

My Commission expires Jan 8, 2018.


Notary Public

BEATTY & WOZNIAK, P.C.

By: 
Karen L. Spaulding
216-16th Street, Ste. 1100
Denver, CO 80202-5115

Attorneys for the Colorado Oil & Gas Association

CITY OF LONGMONT, COLORADO

By:

Harold Dominguez
Harold Dominguez
City Manager
350 Kimbark St.
Longmont, CO 80501

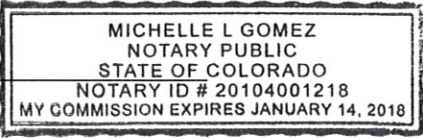
State of Colorado)
County of Boulder) ss:

The foregoing instrument was acknowledged before me this 8th day of October, 2014 by Harold Dominguez.
(Name of person acknowledged, i.e. signing agreement)

Witness my hand and official Seal.

My Commission expires 1/14/2018.

M Gomez
Notary Public



Eugene Mei, City Attorney
Daniel E. Kramer, Assistant City Attorney
Phillip D. Barber, P.C.

By: Eugene Mei
Eugene Mei
408 Third Ave.
Longmont, CO 80501

Attorneys for Defendant City of Longmont

EARTHWORKS

By: B. C. Baizel

[Name] BRUCE C. BAIZEL

[Title] Director, Energy Program, Earthworks

Address P.O. Box 1102
Durango, CO 81302

State of Colorado

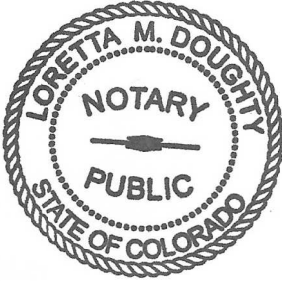
County of La Plata) ss:

The foregoing instrument was acknowledged before me this 10th day of October

_____, 2014 by Bruce C. Baizel
(Name of person acknowledged, i.e. signing agreement)

Witness my hand and official Seal.

My Commission expires 6/2/14.



Loretta M. Doughty
Notary Public

SIERRA CLUB

By:

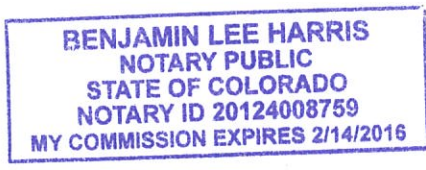
[Signature]
[Name] Eric Huber
[Title] Sr. Managing Attorney
Address 1650 38th St. Ste. 102W
Boulder, CO 80301

State of CO)
) ss:
County of Boulder)

The foregoing instrument was acknowledged before me this 13th day of October
_____, 2014 by Eric Huber
(Name of person acknowledged, i.e. signing agreement)

Witness my hand and official Seal.

My Commission expires 2-14-16.



[Signature]
Notary Public

Eric Huber
Devorah Ancel

By: [Signature]
Eric Huber
1650 38th Street, Ste. 102W
Boulder, CO 80303

Attorneys for the Defendant Intervenors Earthworks and Sierra Club

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing **STIPULATED DISMISSAL OF ALL CLAIMS AND COVENANT NOT TO SUE**, was served this 14th day of October, 2014, by ICCES File and Serve on the following:

Jake Matter, Esq.
Julie M. Murphy, Esq.
Assistant Attorney Generals
1300 Broadway, 7th Floor
Denver, CO 80203

Karen L. Spaulding, Esq.
Beatty & Wozniak, P.C.
216 – 16th Street, Ste. 1100
Denver, CO 80202

Devorah Ancel, Esq.
Sierra Club
85 Second Street, Second Floor
San Francisco, CA 94105

Eric Huber, Esq.
1650 – 38th Street, Ste. 102W
Boulder, CO 80301

/s/ Lucienne Lyons

This document was filed electronically pursuant to C.R.C.P. §1-26. The original signed document is on file at the offices of Phillip D. Barber, P.C.