EXPLAINER: WHAT IS THE *JOINT REQUEST FOR CONSENT DECREE* REALLY ALL ABOUT, WHAT HAPPENS NOW, AND WHY DOES IT MATTER?

Introduction: This explainer aims to give you a straightforward answer to the questions, "*What is the Joint Request for Consent Decree really about, what happens now, and why does it matter?*" so you can make your own informed decision about the Appeal that Neil Whitehead III and Charles F (Chuck) Newby (this author) undertook from November 2024 onwards.

In the fall of 2023, the Elk Creek, Inter-Canyon, and North Fork FPD Boards of Directors, at the Fire Chiefs' recommendation, submitted coordinated ballot questions to voters. These questions asked for approval of a consolidation of the three fire districts into a single district covering nearly 400 sq-mi of Jefferson, Park, and Douglas Counties at the same time raising the mill levy in each district to 16 mills. However, the electorate of Elk Creek FPD rejected the consolidation plan by a 51% NO to 49% YES vote.

In August of 2024, the fire districts launched a coordinated marketing campaign to promote "Unification" (a made-up marketing term) of the fire districts. They unlawfully attempted to use CRS § 32-1-501(1.5) Exclusion to achieve this. On November 21, 2024, the Elk Creek FPD Board of Directors voted 4 to 1 for approval of the Resolution and Order of Exclusion (NORTH FORK CONSOLIDATION) 2024-09.[1] We (Whitehead III and Newby) appealed that decision to the Jefferson County Board of Commissioners (as required by statute) and then to the Colorado 1st Judicial District Court. The key documents in this case are: Whitehead III and Newby Appeal to Jefferson County Board of Commissioners [20MB] as well as attached Appendix A, *Order in Motion to Dismiss* and Appendix B, *Joint Request for Consent Decree*. Additionally, a detailed discussion of these issues can be found at: Elk Creek FPD Attempts to Override the Will of the Voters.

WHAT IS THE JOINT REQUEST FOR CONSENT DECREE REALLY ALL ABOUT? In essence, the *Joint Request for Consent Decree* emerged as a direct consequence of the Order in Motion to Dismiss (the Order), wherein District Court Judge Zenisek unequivocally denied each of the six arguments presented by Elk Creek FPD Legal Counsel asserting that our Appeal

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[1] In the absence of an objector from the residents of either the Inter-Canyon or the North Fork FPD, Colorado's 1st Judicial Court Judges Klein and Rhamey were compelled to approve the Exclusion Order for Inter-Canyon FPD and the Inclusion Order for North Fork FPD, thereby forming the Conifer Fire Protection District (dba/Conifer Fire Department).

Naturally, the pertinent question arises: "Does this not clearly demonstrate that the consolidation of fire districts through the CRS § 32-1-501 Exclusion and CRS § 32-1-401 Inclusion processes are unequivocally legal?" The concise response is, "NO". The rationale behind this outcome is rooted in the doctrine of "judicial restraint," which stipulates that judges are, by customary practice, prohibited from rendering judgments in cases where there is no substantive controversy before the court.

should be dismissed by the Court, without providing legal arguments on the merits.

Upon consulting numerous experts, legal analysis revealed that the discussed emphatic denials by Judge Zenisek were an indicator that, if the case proceeded, the District would likely lose on legal grounds. Consequently, shortly after the Order was issued–when contacted about moving forward with the case–Legal Counsel Chmil indicated that Elk Creek FPD wanted to settle our Appeal in the form of a *Joint Request for Consent Decree* (the Consent Decree). The Consent Decree was subsequently filed with the Court on November 21, 2025.

What Happens Now? With respect to the Fire Chiefs' "Unification" Plan of 2024, the conduct of the District will be governed by the Consent Decree. The Consent Decree contains several controlling stipulations which we negotiated. Referencing the Consent Decree, stipulations 3.a. – 3.c. are self-explanatory. However, stipulation 3.d. requires further explanation. This stipulation constitutes a tacit admission that the attempt by the District to implement the Fire Chiefs' plan for consolidation in 2024 utilizing CRS § 32-1-501(1.5) Exclusion was unlawful.[2]

In the future, I anticipate that the Elk Creek and Conifer FPDs will attempt to pursue their consolidation strategy once more, most likely during the November 2026 election through CRS § 32-1-601 Consolidation. However, both fire districts will still encounter a significant legal challenge: The newly established Conifer FPD will have the authority to impose a higher mill levy rate of 7.2/6.7 x 12.000 = 12.896 mills on Elk Creek Fire Protection District citizens and taxpayers.[3] To circumvent the higher taxing authority issue, the Districts may propose a mill levy increase ballot initiative for the election, likely ranging between 14.0 and 16.0 mills.

Why Does it Matter? As previously discussed, the legal issues we presented to the Court in our Appeal were grounded in the fundamental principle that Elk Creek FPD is obligated to uphold the Will of the People as expressed in the 2023 ballot election. The District has now tacitly admitted its error by stipulating that, barring a change in the law, it will not attempt to utilize CRS § 32-1-501 Exclusion in the future, thus we have secured a decisive victory for We the People.

Contact Me: Please send me your comments, questions, and concerns via email at: cnewby.co@gmail.com, I am always available.

Newby for Elk Creek FPD

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[2] Stipulation 3.d. states the following: "***Absent a change in the law, the District shall not use the exclusion procedures of Part 5 of Article 1 of Title 32 of the Colorado Revised Statutes to accomplish, directly or indirectly, a consolidation of the District with another special district.***"

[3] For a detailed explanation of how this higher taxing authority came about, please see *North Fork* FPD Taxing Authority: here

Appendix A
Order in Motion to Dismiss

DISTRICT COURT, JEFFERSON COUNTY, COLORADO 100 Jefferson County Parkway Golden, Colorado 80401-6002	
	DATE FILED October 20, 2025 9:43 AM CASE NUMBER: 1948CV6431
Plaintiff: **CHARLES F. NEWBY AND NEIL H. WHITEHEAD III** v. Defendant: **ELK CREEK FIRE PROTECTION DISTRICT AND THE BOARD OF DIRECTORS OF THE ELK CREEK FIRE DISTRICT**	▲ COURT USE ONLY ▲ Case Number: **1948CV6431** Related Case: **25CV30739** Division: 06 Courtroom: 520

ORDER REGARDING ELK CREEK FIRE PROTECTION DISTRICT'S AND THE DISTRICT'S BOARD OF DIRECTOR'S MOTION TO DISMISS PLAINTIFFS' COMPLAINT FOR JUDICIAL REVIEW PURSUANT TO C.R.S. § 32-1-501(5)(c) & C.R.C.P. 106(a)(4) AND DECLARATORY JUDGMENT AND INJUNCTION

THIS MATTER comes before the Court on the Motion to Dismiss ("Motion") filed by Defendant Elk Creek Fire Protection District ("District") and the District's Board of Directors ("Board") (District and Board collectively referred to herein as "Defendants"). The Court, having reviewed the pleadings, the case file, the applicable law, and being otherwise fully informed, rules as follows:

I. BACKGROUND

Plaintiffs Charles Newby and Neil Whitehead III ("Plaintiffs") commenced this case on May 7, 2025 against Defendants Elk Creek Fire Protection District and the Board of Directors of the Elk Creek Fire Protection District in their official capacities. The Court dismissed an additional named defendant, the Board of County Commissioners for Jefferson County, Colorado, in its official capacity, from this case on June 5, 2025.

In the Complaint, Plaintiffs brought the following claims: 1.) judicial review pursuant to C.R.S. § 32-1-502 ("Exclusion Statute") and C.R.C.P. 106, 2.) declaratory judgment pursuant to the C.R.S. §§ 13-51-101 *et seq*. and C.R.C.P. 57, 3.) injunction of further consolidation except in compliance with C.R.S. § 32-1-602 ("Consolidation Statute"), and 4.) in the alternative to the third claim, an injunction preventing consolidation pursuant to C.R.S. §§ 32-1-207(3)(a) and 32-1-208 unless and until the District receives approval for the material modifications allegedly made to its statement of purpose.

On June 16, 2025, Defendants filed this Motion requesting that the Court dismiss this case in its entirety, arguing that the Court lacks subject matter jurisdiction over this issue under C.R.C.P.

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12(b)(1). Additionally, Defendants argue that Plaintiffs have failed to state a claim upon which relief can be granted under C.R.C.P. 12(b)(5).

II. LEGAL STANDARD

a. 12(b)(1)

C.R.C.P. 12(b)(1) authorizes a party to move to dismiss a complaint for lack of jurisdiction over the subject matter. A court may not decide cases over which it does not have subject matter jurisdiction. Zook v. El Paso Cnty., 494 P.3d 659, 662 (Colo. App. 2021) (quoting Long v. Cordain, 343 P.3d 1061 (Colo. App. 2014)). The plaintiff has the burden of proving that the trial court has jurisdiction. Trinity Broadcasting of Denver, Inc. v. Westminster, 848 P.2d 916, 925 (Colo. 1993). A court is "free to weigh the evidence and satisfy itself as to the existence of its power to hear the case." Id. This determination of jurisdiction is a question of law. Pfenninger v. Exempla, Inc., 12 P.3d 830, 833 (Colo. App. 2000).

Further, when considering a 12(b)(1) motion, "the trial court must accept the allegations of the plaintiff's complaint as true and construe them strictly against the defendant." Crystal Lakes Water & Sewer Ass'n v. Backlund, 908 P.2d 534, 540 (Colo. 1996). Finally, courts may consider "evidence outside the pleadings . . . to resolve a jurisdictional challenge." City of Aspen v. Kinder Morgan, Inc., 143 P. 3d 1076, 1078 (Colo. App. 2006).

b. 12(b)(5)

"When a court rules on a motion to dismiss for failure to state a claim, C.R.C.P. 12(b)(5) mandates that the court analyze the merits of the plaintiff's claims." Hemmann Mgmt. Serv. v. Mediacell, Inc., 176 P.3d 856, 858-59 (Colo. App. 2007). The purpose of a motion for dismissal pursuant to C.R.C.P. 12(b)(5) is to test the legal sufficiency of the complaint to determine whether the plaintiff has asserted a claim or claims upon which relief can be granted. Id.

Under the plausibility standard adopted in Warne v. Hall, 373 P.3d 588, 589 (Colo. 2016) (quoting Bell Atlantic Corp. v. Twombly, 550 U.S. 544 (2009)), "a complaint must contain sufficient factual matter, accepted as true, to 'state a claim for relief that is plausible on its face.'" In determining whether a claim is plausible, courts must accept all statements of material fact as true and view all allegations contained in the complaint under the light most favorable to the plaintiff. Scott v. Scott, 428 P.3d 628, 632 (Colo. App. 2018). Pursuant to the standard, facts alleged as legal conclusions are not afforded a presumption of truth. Warne, 373 P.3d at 591.

III. ANALYSIS

Defendants seek the Court's dismissal of the Plaintiffs' Complaint for lack of subject matter jurisdiction and failure to state a claim upon which relief can be granted.

a. Subject Matter Jurisdiction

Defendants state three reasons for which they assert that this Court lacks subject matter jurisdiction to hear Plaintiffs' claims: 1.) failure to timely file the C.R.C.P. 106 action, 2.) lack of standing, and 3.) lack of ripeness.

i. Failure to Timely File under C.R.C.P. 106

Defendants argue that Plaintiffs' first claim is untimely because it was filed with this Court more than twenty-eight days following the District's November 2024 decision to consolidate the District with North Fork by way of exclusion. Plaintiffs contend that their claim is timely because they first sought review of the Board of County Commissioners as required by statute. The Court agrees with Plaintiffs.

Under C.R.C.P. 106(a)(4), "relief may be obtained in the district court" when "any government body . . . exercising judicial or quasi-judicial functions has exceeded its jurisdiction or abused its discretion, and there is no plain, speedy and adequate remedy otherwise provided by law." That review, however, is time limited by C.R.C.P. 106(b), which requires that a complaint brought under 106(a)(4) must be filed in a district court within twenty-eight days "after the final decision of the body or officer." A timely complaint may be amended "at any time with leave of the court, for good cause shown, to add, dismiss or substitute parties." C.R.C.P. 106(b). Any such amendment "shall relate back to the date of filing of the original complaint." C.R.C.P. 106(b). As C.R.C.P. 106 itself explains, it is "expressly intended to apply only in those situations where 'there is no plain, speedy and adequate remedy otherwise provided by law.'" Silver Eagle Services, Inc. v. P.U.C., 768 P.2d 208, 214 (Colo. 1989) (quoting C.R.C.P. 106(a)(4)).

At the same time, the review provision of C.R.S. § 32-1-501(5)(b)(I) provides that a decision made by a special district "may be appealed to the board of county commissioners of the county in which the special district's petition for organization was filed for review of the board's decision." That same section establishes that any appeal "shall be taken no later than thirty days after the decision." C.R.S. § 32-1-501(5)(b)(I). Then, the decision by the board of county commissioners "may be appealed for review to the district court of the county which has jurisdiction of the special district pursuant to section 32-1-303 within thirty days of such board's decision." C.R.S. § 32-1-501(5)(c)(I). Put together, C.R.S. § 32-1-501(5)(b) creates a procedural pathway for parties to seek a first review by the board of county commissioners within thirty days of a special district's initial decision and then to seek a second review with a district court within thirty days of the decision by the board of county commissioners.

The Court concludes that the statutory timeline for appellate review established in C.R.S. § 32-1-501(5) governs in this case because the timeline in C.R.C.P. 106 is limited only to instances without a "plain, speedy and adequate remedy otherwise provided by law." Silver Eagle Services, Inc.,768 P.2d at 214) (quoting C.R.C.P. 106(a)(4)). Thus, there was a thirty-day window in which Plaintiffs could appeal the District's decision to the Board of County Commissioners and then a separate thirty-day window in which Plaintiffs could appeal the decision by the Board of County Commissioners to this Court.

The Court disagrees and concludes that the appeal in this case was timely. Here, the Fire Protection District approved the Exclusion Resolution on November 21, 2024 along with a resolution to transfer all district assets and personnel to North Fork. (Compl. ¶¶ 65, 69). Plaintiffs filed a timely appeal before the Board of County Commissioners on November 27, 2024, C.R.S. § 32-1-501(5)(b), well within the thirty-day deadline. Then, as stated in the Complaint and evidenced by Exhibit K, the Board of County Commissioners denied the appeal on April 8, 2025. (Compl. ¶¶ 80-81). Plaintiffs filed the Complaint in this case on May 7, 2025. (Compl. at 1). Thus, it was filed within the thirty-day window to appeal an appellate decision made by the Board of County Commissioners as established by C.R.S. § 32-1-501(5)(c)(I). As a result, Plaintiff's challenge is timely filed.

Therefore, this Court must deny Defendants' first jurisdictional argument.

ii. Lack of Standing

Colorado law requires that plaintiffs have standing in order for "a court to have jurisdiction over a dispute." Ainscough v. Owens, 90 P.3d 851, 855 (Colo. 2004). Standing requires that the plaintiff demonstrate that they 1.) "suffered an injury-in-fact" and 2.) "the harm was to a legally protected interest." Id. Such an injury must be "neither the remote possibility of a future injury" nor "indirect and incidental" to the defendant's acts. Id. at 856. Finally, in order for an interest to be "legally protected," it must be enshrined under the constitution, common law, statute, regulation, or other source of law. Id.

Establishing first that consolidation is possible, the Consolidation Statute subsection (1)(a) states that "[t]wo or more special districts may be consolidated into a single consolidated district . . ." Then, establishing the process of consolidation, C.R.S. § 32-1-602(2) provides that "[c]onsolidation may be accomplished in" the process outlined by C.R.S. § 32-1-602(2)(a)-(f).

Here, Defendants contend that the Plaintiffs lack standing to bring the second and third claims for relief. (Mot. at 12; Reply at 11). As best the Court can discern, Defendants argue that "the use of the Consolidation Statute is permissive" because of the use of the word "may." (Mot. at 17). Therefore, Plaintiffs assert that they have the discretion to choose between the process outlined in C.R.S. § 32-1-602(2) and other methods of consolidation. (Mot. at 15-17). As the interest "in a certain governmental entity providing services to a particular property" is not legally protected and there is no guarantee of a "certain level of representation on a governing body," Defendants' argument concludes that there is no legally protected interest in this case. (Mot. at 15-17).

At the core of their argument, Defendants are asking this Court to find that boards of special districts may effectuate consolidation of special districts through one of two ways: 1.) an electoral process outlined in C.R.S. § 32-1-602(2) or 2.) administrative action by the Board outlined in C.R.S. § 32-1-501(1.5). Yet, Plaintiffs here are landowners directly impacted by decisions made by the Fire Protection District and the Board of County Commissioners regardless of which option Defendants took and regardless of whether Plaintiffs are correct in their interpretation of the statutes at issue. Plaintiffs have statutory rights to appeal decisions by the Board in the governing

statutes for both options as described in C.R.S. § 32-1-501(c) and C.R.S. § 32-1-602(2) respectively. Plaintiffs clearly have alleged an injury-in-fact to a legally protected interest.

Therefore, Plaintiffs have standing to bring these claims.

iii. Lack of Ripeness

Ripeness is about whether "an issue is real, immediate, and fit for adjudication." Olivias-Soto v. Indust. Claim Apps. Off., 143 P.3d 1178, 1180 (Colo. App. 2006). Accordingly, "adjudication should be withheld" for not-yet-ripe claims that are "uncertain or contingent future matters that suppose a speculative injury which may never occur." Id. (citing Bd. of Dirs. v. Nat'l Union Fire Ins. Co., 105 P.3d 653 (Colo.2005)). By contrast, a ripe claim is one with "an adequate record to permit effective review." Stell v. Boulder Cnty. Dep't of Soc. Servs., 92 P.3d 910, 914-15 (Colo. 2004). Further, courts may consider "the hardship of the parties" caused by withholding review. Id.

Here, following Defendant's argument that Plaintiffs filed their claims too late, Defendants contend that the second and third claims are too early and, therefore, not yet ripe. (Mot. at 12, 20-21). For these two claims, Defendants argue that the exclusion process is not yet finished. (Mot. at 20). And so, there is no immediate or real threat of injury to Plaintiffs until this Court either resolves the appeal or dismisses the Complaint. (Mot. at 20). In opposition, Plaintiffs argue that the hardship in waiting longer would be the exclusion of their property from the District and its inclusion in North Fork. (Resp. at 20). In addition, Plaintiffs argue that they would be barred from further review of Defendants' actions if this Court were to dismiss this present review for lack of ripeness. (Resp. at 20).

The District explicitly passed the Exclusion Resolution in order to effectuate a consolidation between the District and North Fork by way of exclusion on November 21, 2024. (*See* Ex. D). Despite its passage, Defendants argue that this decision is not final until the appeal is over. (Mot. at 20). However, the mere fact that a government decision was appealed does not mean that the issue is not yet ripe. *See e.g.* Droste v. Bd. Of Cnty Commr's. of Cnty. Of Pitkin, 85 P.3d 585, 591 (Colo. App. 2003) (stating that ripeness for administrative appeals occurs when the regulating entity has made a final decision). As the Board has already resolved to accomplish this consolidation by way of the Exclusion Resolution, any alleged resulting harm is far from "pure conjecture."

Therefore, the second and third claims are ripe.

b. Failure to State a Claim

Defendants assert that Plaintiffs have failed to state any claims for which relief can be granted because these claims "rely solely on statutory interpretation." (Mot. at 5). Each of Plaintiffs' four claims is analyzed below.

i. First Claim

Defendants argue that "Plaintiffs' argument rests solely on their belief that §32-1-501(1.5), C.R.S. . . . , does not allow for the exclusion of all the property in a special district." (Reply at 6-7). Specifically, Defendants contend that the Exclusion Resolution merely changes the District's boundaries and, consequently, does not require voter approval. (Mot. at 22). The first basis for this argument is that the Exclusion Statute states that "the board, through adoption of a resolution, may alter the boundaries of a fire protection district through the exclusion of real property from the district." C.R.S. § 32-1-501(1.5)(a) (emphasis added). Further, Defendants note that an election is not required "for changes in the boundary of the special district" because such changes are not "material" (*i.e.* such changes are not "of a basic or essential nature"). C.R.S. § 32-1-207(2)(a); (Mot. at 23). Finally, Defendants conclude that if this Court agrees with their broader interpretation of "alter" as used in C.R.S. § 32-1-501(1.5)(a), then "there are no other allegations in the Complaint that support an appeal." (Reply at 7).

In essence, Defendants argue that Plaintiffs do not state a claim because Defendants believe that Plaintiff's interpretation of the statute is incorrect. Such an argument only highlights the dispute in this case; Plaintiffs may argue that their interpretation of the statute is correct and so may Defendants. The Court will issue a ruling on the dispute after a full briefing on all issues.

Therefore, the Plaintiff's first claim is legally cognizable, and it passes the standard set by C.R.C.P. 12(b)(5).

ii. Second and Third Claims

Defendants argue that Plaintiffs' second and third claims have failed to state a claim for the same reasons that they lack standing to bring these claims. (Reply at 10).

As discussed above, Plaintiffs have ample standing to bring their claims. Therefore, assuming that the non-movant's factual allegations are true, as is required for C.R.C.P. 12(b)(5) motions, Plaintiffs have alleged facts sufficient to demonstrate that their legally protected interests were harmed.

iii. Fourth Claim

Defendants argue that Plaintiffs' fourth claim has failed to state a claim upon which relief can be granted because the Exclusion Resolution merely changes the District's boundaries. (Mot. at 22). Defendants note that approval is not required "for changes in the boundary of the special district." C.R.S. § 32-1-207(2)(a). Therefore, Defendants conclude that it is not a material modification as defined by C.R.S. § 32-1-207(2)(a). However, as stated earlier, "changes of a basic or essential nature" are material modifications. C.R.S. § 32-1-207(2)(a).

Once again, Defendants' disagreement with the merits of Plaintiffs' claims does not amount to failure to state a claim. The Court will issue a ruling on this dispute after a full briefing on all issues.

IV. ATTORNEY FEES AND COSTS

Finally, Defendants request an award of attorney fees and costs. (Mot. at 25). The request fails. In this matter, Plaintiffs clearly state claims for which they have standing and have timely requested district court review authorized by statute. Defendants' Motion, meanwhile, asserts somewhat conflicting arguments that Plaintiffs' claims are too early and also too late, that Defendants' permissive decisions are unreviewable, and that these homeowner-resident taxpayers do not have standing to challenge decisions directly affecting them.

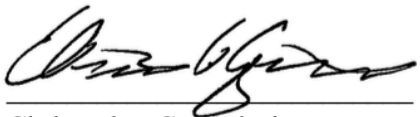
Defendants' request for fees is denied.

V. ORDERS

For the reasons stated above, Defendants' Motion to Dismiss is DENIED. Defendants shall answer within fourteen days. C.R.C.P. 12(a)(1)(A).

Done in Golden, Colorado this 20th day of October 2025.

BY THE COURT:



Christopher C. Zenisek
District Court Judge

Appendix B
Joint Request for Consent Decree

DISTRICT COURT Jefferson County, State of Colorado 100 Jefferson County Pkwy Golden, CO 80401	DATE FILED November 21, 2025 4:01 PM FILING ID: 92A66C2CD74FA CASE NUMBER: 1948CV6431
In re Elk Creek Fire Protection District	
Attorneys for Plaintiffs: Mark G. Grueskin, #14621 Nathan Bruggeman, #39621 Recht Kornfeld, P.C. 1600 Stout Street, Suite 1400 Denver, CO 80202 (303) 573-1900 Fax: (303) 446-9400 mark@rklawpc.com nate@rklawpc.com *Attorney for Defendants Elk Creek Fire Protection District and the Board of Directors of the Elk Creek Fire Protection District* John Chmil, #48768 Lyons Gaddis, P.C. P.O. Box 978, 515 Kimbark St. Longmont, CO 80502 303-776-9970 jchmil@lyonsgaddis.com	▲ COURT USE ONLY ▲ Case Number: 1948CV6431 Div.: Ctrm:
JOINT REQUEST FOR CONSENT DECREE	

Plaintiffs Charles Newby and Neil Whitehead III ("Plaintiffs"), Defendant Elk Creek Fire Protection District ("District"), and Defendant Board of Directions of Elk Creek Fire Protection District ("Board"), through their respective counsel, respectfully request that this Court enter a Consent Decree to terminate the litigation, and state in support as follows:

1. On May 6, 2025, Plaintiffs filed their complaint for judicial review in which they alleged that Defendants were seeking to consolidate the District with other fire protection districts without following the required statutory procedures.

2. The parties have conferred and desire to resolve this litigation.

3. The parties agree that the Court may enter an order to resolve this litigation as follows:

a. The Board shall vacate the exclusion resolution entered by the Board on November 21, 2024 (Resolution 2024-09), and repeal Resolution 2024-11, and any other resolution that approves the exclusion that is the subject of the Complaint;

b. The Board shall pass a resolution terminating the First Amendment to Pre-Consolidation Intergovernmental Agreement and provide notice to the other parties to the agreement of the termination of the amendment, as provided by Section 8 of the original consolidation agreement. Such notice shall be provided to Inter-Canyon Fire Protection District and North Fork Fire Protection District or their successor district.

c. Any further effort by Defendants to consolidate the District with (an)other district(s) shall comply with Colorado law.

d. Absent a change in the law, the District shall not use the exclusion procedures of Part 5 of Article 1 of Title 32 of the Colorado Revised Statutes to accomplish, directly or indirectly, a consolidation of the District with another special district.

4. Defendants shall complete the required actions under Paragraph 3 within forty-five (45) days of the entry of the Court's order approving this Consent Decree, and they shall file a notice of compliance with this Court.

5. Each party shall bear its own attorney's fees and costs.

WHEREFORE, the parties stipulate that the Court may enter a consent decree with the conditions described above to terminate this litigation.

Respectfully submitted this 21st day of November, 2025.

/s/ Nathan Bruggeman
Mark G. Grueskin, #14621
Nathan Bruggeman, #39621
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